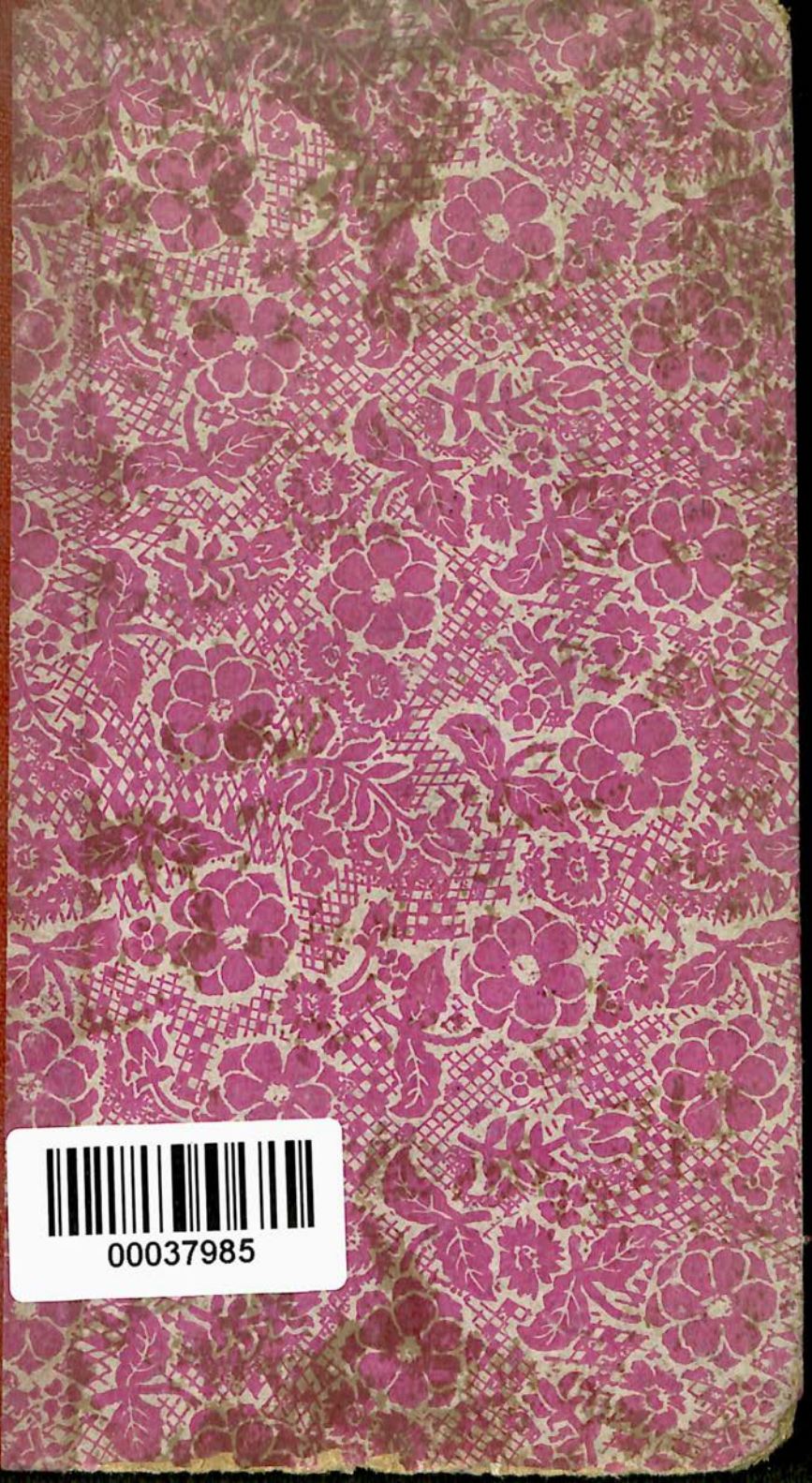
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AN

HISTORICAL VIEW

OF THE

ENGLISH GOVERNMENT,

FROM THE

SETTLEMENT OF THE SAXONS IN BRITAIN

TO

THE REVOLUTION IN 1688.

TO WHICH ARE SUBJOINED,

37095

SOME DISSERTATIONS CONNECTED WITH THE HISTORY OF THE GOVERNMENT,

FROM THE REVOLUTION TO THE PRESENT TIME.

BY

JOHN MILLAR, ESQ.

Professor of Law in the University of Glasgow.

IN FOUR VOLUMES.

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ADVERTISEMENT.

THE Friends of Mr. Millar, to whom he entrusted his Manuscripts, think they would be wanting in their duty, were they not to publish the following continuation of his Historical View of the English Government.

It was the intention of the Author, as will be seen in the following pages, to divide the history from the Accession of the House of Stuart, to the present time, into two periods: the first comprehending the history of those contests between Prerogative and Privilege, which, by the Revolution in 1688, terminated in a manner so honourable to the spirit of the nation, and so advantageous to the happiness and liberties of the people: the second containing the history of the rise and progress of the Influence of the Crown: an influence, which, though in some measure checked by the general diffusion of knowledge and the advancement of the arts, was likely, in the opinion of the Author, to become the more dangerous to the constitution, as its slow and

insensible advances are less apt to excite attention.

Of these two parts of the general design, the first was left by the Author, in the state in which he apparently meant to give it to the public, and in which it now appears.—Great part of the materials for the history of the second period, as well as for an account of the present state of the English Government, had also been collected, and partly arranged by him: but considerable alterations on the manuscripts would be requisite, before these very important parts of the work could be offered to the public.

There were found, however, among Mr. Millar's papers several dissertations on subjects connected with the later history of the Government, Manners, and Literature of England, the substance of which, it would appear, he had intended to introduce into his work; these dissertations seem to contain so many ingenious and interesting speculations, that it has been judged proper to make them public, notwithstanding the unfinished state of the concluding Essay.

College, Glasgow.
14th March, 1803.

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AN

HISTORICAL VIEW

OF THE

ENGLISH GOVERNMENT,

FROM THE

ACCESSION OF THE HOUSE OF STUART,

TO THE PRESENT TIME.

INTRODUCTION.

FROM the accession of James the First to the English throne, we may date the commencement of what, in a former part of this inquiry, I have called the Commercial Government of England. The progress of commerce and manufactures had now begun to change the manners and political state of the inhabitants. Different arrangements of property had contributed to emancipate the

people of inferior condition, and to undermine the authority of the superior ranks. A new order of things was introduced; the feudal institutions natural to a rude nation, were, in great measure, abolished and forgotten; and, upon the venerable stock of our ancient constitution, were engrafted other customs and regulations more consistent with the genius and circumstances of a civilized and opulent kingdom. The commercial improvements which about the same time took place in other parts of Europe, were also attended with great political changes. These, however, were, in each country, accommodated to the peculiar state of society, and therefore exhibited very different combinations and modes of government. According as mankind have been more successful in cultivating the arts of life, their political systems are likely to be more diversified, and to afford a more interesting picture. The attention of a rude people is confined to few objects; and the precautions which occur to them for preventing injustice, and for maintaining good order and tranquillity, are simple and uniform. By experience and ob-

servation, by the gradual expansion of the human understanding, new measures are discovered for the removal of particular inconveniences: while, from the various pursuits in which men are engaged, and the wealth of different kinds which they accumulate, a variety of regulations are suggested for the security and enjoyment of their several acquisitions. Their systems of policy are thus rendered more comprehensive, and, to the eye of the philosopher, present a richer field of instruction and entertainment.

The historical æra from which the present inquiry sets out, is further distinguished by an accidental event of great importance; the union of the crowns of England and of Scotland. By the accession of the house of Stuart to the English throne, the whole island of Great Britain, which had long been divided into two separate kingdoms, independent of each other, and frequently engaged in mutual depredations, was reduced under one sovereign, by whose authority their future animosities were effectually restrained, and their military force invariably directed against their common enemies. That this federal

union was highly beneficial to both nations, by exalting their power and consideration among foreign states, as well as by promoting their security, together with their trade and opulence at home, appears abundantly manifest. How far it affected their political circumstances, and contributed to improve the form of their government, I shall afterwards endeavour to explain.

The whole period of English history from the accession of James the First to the present time, may be divided into two branches: the one comprehending the occurrences prior to the revolution in 1688; the other the occurrences posterior to that great event. The former contains the rise and progress of the long contest between the king and parliament concerning the extent of prerogative; a contest which, after involving the nation in a civil war, and producing various political changes and turns of fortune, was at last happily terminated by a judicious and moderate correction of the ancient limited monarchy. We have here an opportunity of considering the condition of England and of Scotland, after the union of the two crowns; the cir-

cumstances in the state of society, which encouraged the king to claim a despotical power, and which, on the other hand, prompted the people to demand an extension of privileges; the views of the two great parties, into which the whole kingdom was naturally divided; and the several events, whether proceeding from local and temporary, or from general and permanent, causes, which promoted or obstructed the success of either party.

In the latter branch of this period, the political horizon assumed a different aspect. By the revolution in 1688, the extent of the prerogative was understood to be fixed in such a manner as to preclude any future disputes. The modes of arbitrary power, with which the nation had formerly been threatened or oppressed, were now completely restrained. The eminent advantages of a constitution, which appeared effectually to secure the most important rights of mankind, and which England enjoyed without a rival, promoted, in a wonderful degree, her commerce and manufactures, exalted her power as a maritime nation, and enabled her

to plant colonies as well as to establish her dominion in distant parts of the globe.

The accumulation of wealth, arising, in these prosperous circumstances, from a long course of industry and activity, could not fail to increase the expence of living to every individual, and, of consequence, the expences incurred in the management of public affairs. Hence the necessity for a proportional increase of taxes, and augmentation of the public revenue under the disposal of the sovereign. The patronage and correspondent influence of the crown, which were thus rendered more and more extensive, began to excite apprehension, that, if permitted to advance without controul, they might undermine and subvert the pillars of the ancient constitution. Thus the two great political parties were not extinguished at the revolution; though, according to the change of times and circumstances, their object was considerably varied. The Whigs, who had formerly opposed the extension of the prerogative, now opposed the secret influence of the crown; and the Tories, upon a similar variation of the ground, still adhered to the interest of the monarch.

The operation of this influence was, indeed, retarded, for some time, by that warm attachment to the exiled royal family which prevailed through a part of the nation. While a powerful faction in Britain supported the claim of a pretender to the crown, those who exercised the executive power were laid under the necessity of acting with extreme circumspection, and of keeping at a distance from every measure which might occasion suspicion or alarm. The greater diffusion of knowledge, however, contributed, by degrees, to discredit and dissolve this foreign connection, and, of course, to remove those restraints which it had created; but, in the mean time, the progress of liberal opinions, and the growing spirit of independence, disposed the people to examine more narrowly the corruptions of government, and to reform the abuses of administration. In this manner the popular and monarchical parts of of our constitution have been again set at variance; a struggle between them has proceeded with some degree of animosity; and express regulations have been thought requisite for limiting that ascendant which

the latter has gained, and is farther likely to gain, over the former. The latter branch of our history will exhibit the conduct of political parties, in this critical situation, and the various events and circumstances which have tended to prevent, or delay, an amicable conclusion of their differences.

BOOK III.

OF THE ENGLISH GOVERNMENT FROM THE ACCESSION OF JAMES THE FIRST, TO THE REIGN OF WILLIAM THE THIRD.

CHAPTER I.

Review of the Government of Scotland.

AS the union of the two crowns placed the administration of England and of Scotland in the same hands, we shall here turn our attention to the history of the latter country, and examine the leading features of its government. In this review, without entering into a long detail, it will be sufficient to point out the principal circumstances, from which we may discover the general analogy, and the most remarkable differences, in the constitution and political state of the two countries.

The armies of Rome never penetrated far into Scotland, nor did they long maintain a dominion over that part of the country which

they had subdued. While the inhabitants in the southern part of Britain were disarmed, and gradually civilized by that mighty power, the Caledonians of the north retaining their primitive independence, and warlike dispositions, were little affected by the vicinity, either of Roman arts, or of Roman manners. Those high-spirited barbarians, therefore, when the Romans were under the necessity of withdrawing their forces from Britain, found no enemy capable of resisting them, and threatened to overrun and subdue the whole of the island. They were afterwards repulsed, however, by the Saxons, whom the Britons called to their assistance; and, after various turns of fortune, were obliged to contract the limits of their dominion, within that southern wall which in later times had formed the boundary of the Roman province. Even within the territories of what was called Scotland, the Saxons made frequent inroads, more especially upon the eastern side of the country; where many Saxon families were enabled to form a settlement, and to acquire landed possessions.

Notwithstanding the original similarity

observable in all the governments of modern Europe, they exhibit certain shades of difference, from which they may be divided into two classes; the first, comprehending such as were founded upon the ruins of the Roman provinces; the second, such as arose in the countries which had never been subject to the Roman empire. In both of these, what is called the feudal system was introduced; but it was more completely and rapidly established in the former than in the latter. In those modern states which grew up from the ruins of the western empire, the inhabitants of so large a territory as that which composed an ancient Roman province, were naturally attracted to a kind of centre, and formed a political union under one sovereign. But the authority of this monarch, over a people so barbarous, and so little accustomed to subordination, was, in proportion to the extent of his dominions, feeble and precarious: and the less capable he was of restraining animosities and quarrels among his subjects, or of protecting them from oppression, it became the more necessary that they should take measures for de-

fending themselves. For this purpose, every chief, or proprietor of a landed estate, was induced to maintain an intimate connection with all his kindred and retainers, and to distribute among them a great part of his lands, upon condition of their being ready to fight for him against all his enemies. It was thus that Spain, France, England, and a great part of Italy, soon after they had been conquered by the Gothic nations, became extensive rude kingdoms, in which the free people were all united in separate feudal dependencies, each under its own military leader and protector.

The European countries which had never been subjected to the Roman yoke, such as Denmark, Sweden, and a great part of Germany, were in circumstances a little different. The inhabitants, originally no less rude and barbarous than the conquerors of the western empire, were not incorporated with any people more civilized than themselves, nor induced by any prior union subsisting through an extensive territory, to associate in very large communities. Their different tribes, or families, accordingly, fol-

lowing the natural course of improvement, advanced very slowly in their political associations; and were collected in small principalities, before they rose to considerable kingdoms. But in proportion as the boundaries of any particular state were narrow, the prince was more powerful, and his administration more vigorous; in consequence of which, the people, depending more upon him for protection, resorted less to private combinations for mutual defence. The connection between the head of a tribe and its members, between the proprietor of a landed estate and his retainers, between a superior and his vassals, could not fail to subsist in all those nations, after they had acquired a fixed residence; but this connection was less extended in proportion to the narrowness of each political community; and the services, or duties, to which it gave occasion, were less multiplied, and reduced into a regular system. Afterwards, however, the feudal institutions and customs were promoted in those countries, from an intercourse with such neighbouring states as, by settling in the Roman pro-

vinces, had made greater progress in that system of policy.

Scotland appears to have been in a middle situation between these different countries. A part of it had fallen within the limits of a Roman province, like the other countries in the west of Europe. A part of it, likewise, had received a number of Anglo-Saxon inhabitants, who contributed to propagate those institutions and customs which prevailed in England. The remainder was in the condition of those European countries, where the dominion of the ancient Romans afforded the people no peculiar motive to extensive combination, or, of consequence, to feudal subordination.

In tracing the history of the Scottish government, there are three great periods which fall to be distinguished. The first reaches from the time when Britain was abandoned by the Romans to the reign of Malcolm the Second. This comprehends the primitive aristocracy; and is analagous to the period of the Anglo-Saxon government in the southern part of the island. The second extends from that reign to the time when James the Sixth of Scotland mounted the English

throne. This corresponds to the reigns of the Norman, Plantagenet, and Tudor princes in England, and exhibits the circumstances which, from the nature of the feudal policy, contributed to exalt the power of the monarch. The third contains the interval between the union of the crowns of England and Scotland, to the union of the two kingdoms. In this last period, the Scottish nation had not made such advances in commerce as could produce any great alteration in their political system; but the administration of their government was then rendered subordinate to that of England, a manufacturing and commercial country.

SECTION I.

OF THE GOVERNMENT OF SCOTLAND, FROM THE TIME WHEN BRITAIN WAS ABANDONED BY THE ROMANS, TO THE REIGN OF MALCOLM THE SECOND.

DURING this early period, little is known with certainty; and we must be satisfied with a delineation, from probable conjecture, of the bare outlines and prevailing character of

the Scottish government. The appropriation of land gave rise in Scotland, as well as in the other countries of Europe, to several distinctions in the condition and rank of the people. The owner of a landed estate obtained universally an authority over all those persons whom he maintained upon his property. Those who acquired considerable estates were led to distribute a part of them among their kindred and followers, under conditions of military service, and to put the remainder under the management of servants employed in the several branches of agriculture. The people subsisting upon any estate came thus to be composed of the master, or proprietor, of the vassals who attended him in war, and of the peasants by whose labour his household was supported. As the whole kingdom comprehended a number of landed estates, disposed and regulated in the same manner, and differing only in the degrees of their magnitude, the whole people, exclusive of the clergy, were divided into these three orders of men.

It is probable, however, that in Scotland the peasantry, in proportion to the collective body of the nation, were less numerous than

in England; and that their condition was less abject and servile. They were less numerous; because agriculture was in a lower state, and a great proportion of the country was employed merely in pasturage. Their condition was less abject and servile; because, as the country had never been conquered, like the provinces of the western empire, there had been no opportunity, by captivity in war, of reducing a great part of the inhabitants into a state of absolute slavery.

In all rude countries, those who earn subsistence by their labour are apt to feel much dependence upon the person who employs them; and there can be no doubt that in Scotland, as well as in the neighbouring feudal kingdoms, the peasants were considered as inferior in rank to the military tenants. But they appear to have been less distinguished by peculiar marks of inferiority; less disqualified from serving their master in war; and more capable, by their industry and good behaviour, of bettering their circumstances. It should seem, accordingly, that the distinction between the villains and the military tenants was earlier abolished in Scotland than in England. In the latter country, the

copy-holders, the remains of the ancient villains, are still considered as inferior in rank to the *free-holders*, or military tenants; and are not, even at this day, admitted to a full participation of the same political rights: whereas in Scotland, no such class of men as the *copy-holders*, have any existence; nor in the present laws and customs of that country are any vestiges of the primeval villanage to be found.

As the state of property in Scotland was very similar to that which took place in the other countries of modern Europe, the form of government resulting from it was in all probability nearly the same. The proprietor of every landed estate was the natural governor of the district which it comprehended. He was the military leader, and the civil magistrate, of all the people who lived upon it. These proprietors, originally independent of each other, were led by degrees into a confederacy, or political union, more or less extensive according to circumstances.

In England the proprietors in the same neighbourhood were united in a town or village, commonly called a *tything*. Ten of these villages are said to have been associated in form-

ing an *hundred* or *centenary*; and an arbitrary number of these hundreds formed a *shire* or *county*. These districts were subordinate one to another: and in each of them there was appointed a military leader; by whom, with concurrence of the several free proprietors, all its political concerns were transacted. The proprietors of the different shires were united under a king, their great military leader; by whom they were occasionally called to deliberate, in the last resort, upon the legislative, executive, or judicial business of the nation.

It is highly probable that this political arrangement, so natural and simple, took place in Scotland, as well as in England, and in other kingdoms upon the neighbouring continent; though, from the deficiency and imperfection of the Scottish records, a complete proof of it can hardly be adduced. The name of *tything* is scarcely to be found in the ancient monuments or histories of Scotland; but there are clear vestiges of the most important regulations connected with that institution. A tything in England, as well as upon the continent of Europe, was in reality a town or village divided into ten parts; and in the towns

or villages of Scotland, as I had occasion to observe in a former part of this inquiry, the whole of the inhabitants were liable to make a pecuniary compensation for the crimes committed by any individual. This affords a distinct evidence of the intimate union subsisting among the members of those little societies, which were the basis of the more extensive combinations.

The institution of *hundreds* can scarcely be traced in Scotland: but the division of the whole kingdom into shires, or counties, each under its own governor, the alderman or earl, and afterwards his deputy, the sheriff, seems to be fully ascertained; nor can there be any reason to doubt, that the political business of the nation was ultimately determined by a great council, corresponding to the Wittenagemote in England. This council was in all probability composed of the free or allodial proprietors of land; was called by the king in any important emergency; and exercised an authority which pervaded all the different branches of government.

The aristocratical nature of this constitution, which placed the supreme power in the inde-

pendent proprietors of land, is abundantly manifest. It is probable that, in the course of time, it became gradually more aristocratical than it had originally been. Upon the first appropriation of land, it is natural to suppose that the occupiers were numerous, and the estates of individuals proportionably moderate. But in the turbulent and disorderly state of the country, men of small property were unable to defend their possessions; and therefore found it necessary to resign their estates into the hands of some powerful neighbour, and to hold them for the future as his vassals upon conditions of military service. In this manner the number of independent proprietors was gradually diminished; the foundation of political influence was more and more contracted; and the right of sitting in the national assembly was at length limited to a few individuals who had accumulated great estates.

SECTION II.

OF THE GOVERNMENT OF SCOTLAND, FROM THE REIGN OF MALCOLM THE SECOND, TO THE UNION OF ITS CROWN WITH THAT OF ENGLAND.

THE same darkness which involves the first period of the Scottish history, and which renders it, in great measure, a field of mere conjecture, hangs over a considerable part of the second. The commencement of the second period, however, is distinguished, according to the testimony of all the historians, by the reduction of the great lords, the remaining allodial proprietors of land, into a state of feudal dependence upon the king; an event similar to that which took place in England at the Norman Conquest; and in France, during the reign of Hugh Capet and his immediate successors. The fact is confirmed by a collection of ancient laws, ascribed to king Malcolm the Second, in which it seems to be stated, though in vague and general terms, that this

monarch by a course of transactions with his subjects, became the feudal superior of all the lands in the kingdom.

As the account there given is contrary to the opinion of many British antiquaries concerning the origin of the feudal system, they have generally disputed the authenticity, or at least the date of that ancient record. We must acknowledge, that the information which it contains, with respect to an event of such importance, is very lame and unsatisfactory; and that, in many other particulars, it seems to be replete with blunders and inaccuracies. A conjecture has thence been suggested, which is highly probable, that the compilation in question was not made by public authority, in the reign to which it refers; but has been the work of a private individual, in a later age: and contains the ideas of the writer concerning the regulations introduced in the reign of Malcolm the Second. In this view, with all its inaccuracies and defects, it appears entitled to some regard. It may be considered in the light of a very ancient and universal tradition, and, when supported by the general testimony of historians, may be held of sufficient weight to counterba-

nce any slender evidence which can, at this day, be thrown into the opposite scale*.

Concerning the introduction of the feudal tenures into Scotland, there occur two particulars which merit attention. In the first place, it is the uniform doctrine of the ancient lawyers and antiquaries who have written upon the subject, that the feudal system in Europe arose from the immediate act of the king, who, upon subduing any country, laid hold of the land, and

* Lord Hales, an author whose acute researches concerning ancient facts, and whose extreme caution in advancing any conjecture with respect to their causes, are equally conspicuous, asserts that the collection of old laws ascribed to Malcolm the Second, is a plain and palpable forgery. In proof of this assertion he seems to depend chiefly upon two arguments, 1. The improbability of the fact stated in the collection, viz. That the king gave away the whole land in Scotland to his men. "Dedit, et distribuet totam terram de Scotia hominibus suis, et nihil sibi "retinuit in proprietate, nisi regiam dignitatem, et "montem Placiti in villa de Scona." But it seems evident that the expression here made use of, is not meant to be literally understood. The *royal dignity* cannot be considered as a piece of land; and yet it is said, that the king gave *the whole land, except the royal dignity*. But the *royal dignity* seems in this passage to be meant those *royal demesnes* by which the dignity of the crown was supported; and probably the lands distributed to his subjects,

reserving so much of it as he found requisite for his own subsistence, distributed the remainder among his great officers, to be enjoyed by them upon condition of military service. A part of what had thus been bestowed upon these leading persons, was by them distributed, upon similar terms, among their dependants; so that, from one great stock, different orders of vassals, in subordination one to another, sprung up in various ramifications. To this account, when

under the conditions of feudal tenure, were these only which they had previously resigned to the king for that purpose, or which had fallen to him by forfeiture. The *moot hill of Scone*, the place where the national council held its meetings, is mentioned as distinct from the ordinary demesnes of the crown. 2. The other arguments against the authenticity of this ancient record is taken from the *fees* or *salaries* mentioned as given to certain officers. These the author thinks are in certain cases immoderately high; in others, inconsistent with the respective ranks of those officers. But before any argument from topics of this kind can have much weight, it will be necessary to show distinctly the rate of money used in Scotland, both during the reign of Malcolm the Second, and of Malcolm the Third, which this learned author appears unable to do. In addition to this remark, it may be proper to subjoin a note, which lord Hales has the candour to insert at the end of his dissertation, and by which it should seem, that his labours upon that subject are

applied to the history of Scotland, it occurs as an insuperable objection, that no such considerable conquest ever took place in the country, as could enable the sovereign to seize and distribute the lands in the manner supposed. There seems, therefore, to be a necessity for admitting, that, in Scotland, at least, the feudal system was propagated in a different course; that it began by the occupiers of land bestow-

in some degree superseded. "A friend of mine," says he, "distinguished in the literary world, observes, that the "*Leges Malcolmi* are the composition of some private man "who meant to describe the great outlines of the laws and "customs of his country, which he supposed, or had been "told by tradition, were first introduced by some ancient "and famous king of the name of Malcolm, either Malcolm "Mackenneth, or Malcolm Canmore; the former just as "probably as the latter. It does not appear that the author "himself ever meant that they should pass for the original "statutes of that king. The whole book is a narrative or "history of the regulations which he supposed had been "made in times that were ancient in comparison of his own. "The style is every where not statutary, but historical. "He called them the *Laws of King Malcolm*, because he "supposed they had originally been instituted by some king "of that name. The supposition of their being the statutes "of any king is a blunder, and a very gross one, of later "writers, for which the author is not answerable." [See Lord Hales' Dissertation on the LL. Malcolmi.]

ing fiefs upon their kindred and followers; that it was extended by the poorer allodial proprietors purchasing the protection, and becoming the vassals of the more opulent; and that it was at length completed by these opulent proprietors falling, in consequence of the numerous quarrels and difficulties in which they were involved, under the immediate vassalage of the crown.

The other circumstance to which I alluded is, that the passage, in this old collection of laws concerning the introduction of the feudal tenures, mentions the vassals of the crown only. We are told that, in the reign of king Malcolm, the great lords became the vassals of the crown; but we have no information as to the period when the inferior military people became the vassals of the great lords. It is natural to conclude, therefore, that the feudal subordination of the inferior people had immemorially existed in the country: for otherwise, had it either immediately preceded or followed the infeudation of the great lords, it would probably have been mentioned in stating that event, with which it was so evidently connected.

It is the opinion of Sir Henry Spelman, and

has been followed by several respectable authors, that the collection of laws above-mentioned is, by a mistake of the publisher, ascribed to the reign of Malcolm the Second, and belongs in reality to that of Malcolm the Third, about fifty years posterior to the former. According to this conjecture, the feudal system was completed in Scotland about the time of the Norman Conquest, that is about the same time as in England; whereas, by the common account, that event was produced about fifty years earlier. The completion of the feudal structure, by exalting a king to be the feudal superior of all the lands in his dominions, was, in all the countries in Europe, a regular step in the progress of society and government; and that the Scottish nation had become ripe for so great a political change, at an earlier period than the English, is what we should not naturally have supposed. But we seem scarcely entitled, from conjecture alone with respect to a fact of this nature, to set aside the evidence of tradition; more especially when it is considered, that accidental circumstances frequently concur, in particular countries, to retard or accelerate the operation of general causes.

Malcolm the Second, though the lineal heir of the crown, was obliged to enforce his right by the sword. He was afterwards engaged in fierce and bloody wars with the Danes, at that time masters of England; and, after various success, was at length so fortunate as to drive those formidable invaders out of the kingdom. It is not improbable, therefore, that the losses sustained by the nobility, in this long and obstinate contest, had considerably weakened their power, while the continued military operations in which the people were engaged, together with the splendid victories and complete triumph of the monarch, in a quarrel so national and popular, had, on the other hand, increased the influence of the crown, so as to produce, in the chief proprietors of land, a disposition to purchase the king's protection by submitting to his feudal authority.

At any rate the alteration contended for does not seem very material. To those who imagine that the feudal tenures were introduced into Scotland merely from an imitation of the practice in England, it must appear necessary to overthrow every monument, or account, which tends to shew their complete establishment in

the former country at an earlier period than in the latter. But if we suppose, what is now generally admitted, that those institutions, both in the southern and northern parts of Britain, were derived from the general state of society and manners, though afterwards, perhaps, promoted and modified by imitation, the precise date of their introduction will seem of little moment; and their occurring half a century sooner or later will make no considerable difference in the political history of the country.

It is of importance, however, to observe, that even after the sovereign had thus reduced the great lords of the kingdom into a state of military subordination, his authority was not thence greatly augmented. Although, when exposed to imminent danger, and eager to take vengeance upon their enemies, the barons had sheltered themselves under the protection of the crown, and promised to support its authority; yet no sooner were they relieved from their difficulties, than they naturally forgot their promises, and resumed that independent spirit which was habitual to them. The feudal superiority of the king came, therefore, in many respects, to be more nominal than real; and he

often found it extremely difficult, if not impossible, to enforce that submission and obedience which the tenure of a military vassal required. The assistance and protection which he afforded his vassals were understood, in all cases, to be fully compensated by the regular services, and by the incidental emoluments which he drew from them, and the reluctance with which they often performed their ordinary duties, left no room to expect that they would acquiesce in any additional demands. They had not only the right of enjoying their estates during their own life, but that of transmitting them to their heirs; and it was not more their interest to obtain the favour of their superior, than it was his interest to secure their fidelity and attachment. They were servants, in a word, who punctually obeyed their master when his orders were suited to their own inclinations; but who frequently required an extraordinary premium, or inducement, if he wished they should serve him with spirit and alacrity.

From the slightest attention to the political history of England and of Scotland, it will appear that the progress of the regal power was much more slow and gradual in the latter

country than in the former, and that the primitive aristocracy gained a more absolute and lasting ascendant. For the slow advancement of monarchy in Scotland, so far as it has not proceeded from accidental occurrences, two great causes may be assigned.

1. The nature of the country, rugged, mountainous, and in many parts hardly accessible, produced a number of separate districts, in which particular barons were enabled to establish and maintain an independent authority. Within those natural barriers which divided one territory from another, a great lord easily reduced all the small proprietors into subjection: and, at the same time, residing in the midst of his retainers and followers, was in a good measure secured from any foreign invasion. Landed property was thus quickly accumulated by a few great nobles, whose power over their inferiors, and whose influence in the government, became proportionably extensive. While they lived at home in rustic state and magnificence, they had little temptation to court the favour of the crown, and still less to purchase it by a surrender of their privileges; nor did the sovereign often find it advisable, however they might

incur his displeasure, to run the hazard of marching against them in their fastnesses, and of endeavouring by force to subdue them. In this situation they continued for many centuries to suffer little degradation, either from the immediate power of the most warlike, or from the secret intrigues of the most artful and politic princes.

2. The other cause which operated in retarding the advancement of the crown, though, perhaps, it may be considered as partly arising from the former, was the slow progress of arts and manufactures. From the state of society in most of the countries of modern Europe, the king had usually an interest in protecting the peasantry, as well as the trading part of the nation, and in promoting the extension of their privileges; for in that manner he infallibly weakened their dependence upon their immediate superiors, and of consequence undermined the power of his rivals, the nobility. It was to be expected, also, that when the inferior orders of the community had, by the encouragement given to their industry, been emancipated from their primitive bondage, and had attained a degree of opulence and consi-

deration, they would naturally be prompted to a return of good offices, and induced, by motives of interest, as well as by habitual attachment, to support the dignity of the crown, and to throw their whole weight in opposition to the aristocracy.

But in Scotland the barrenness of the soil and coldness of the climate obstructed the progress of agriculture, and of course chilled the growth of manufactures. The necessaries of life must be had in plenty, before there can be a general demand for its conveniencies. Accordingly, though villages and towns employed in some branches of traffic, arose in different parts of the country, and though these, in conformity to the practice of other European kingdoms, were incorporated by the king, and endowed with various exclusive privileges, yet, in spite of every encouragement, they continued poor and despicable, and were for a long time unable, as political auxiliaries of the crown, to perform any important service.

The Scottish parliament from the time of Malcolm the Second, like that of England from the Norman Conquest, appears to have been composed of all the immediate vassals of the

crown; and these were divided into two estates, the one comprehending the ecclesiastical, the other the lay-barons; each of which claimed, at least on some occasions, a separate voice in the assembly. But after the creation of royal boroughs the king was induced, from similar circumstances in the northern as in the southern part of the island, to require that these corporations should send deputies for making a general bargain with regard to the taxes or duties demanded from them; and hence those deputies, whose consent was requisite for procuring a part of the national supplies, were by degrees admitted into the national council.

Concerning the time when this change in the government was effected, as it proceeded apparently from no public regulation, but merely from the private interpositions of the sovereign, we have no decisive information. It seems to be admitted, that the representatives of the boroughs were introduced into the national assembly as early as the reign of Robert the First; though some authors, with no small degree of probability, have placed this event at an earlier period. But as the number of these representatives was, for a long time, inconsiderable,

and as they took little share in the public transactions, their political existence appears to have been in a great measure overlooked.

It is remarkable, however, that notwithstanding the insignificance of the Scottish boroughs, they formed, at an earlier period, a peculiar court, composed of their own deputies, to which nothing similar occurs in the southern part of the island. Four of those communities, probably the most opulent and flourishing; namely, Edinburgh, Stirling, Berwick, and Roxburgh, were accustomed, by their delegates, to hold meetings for the purposes of reviewing the judicial sentences passed by the magistrates of particular boroughs, and of deliberating upon the concerns of the whole order. A meeting of this kind received the appellation of the *Parliament of Boroughs*. When Berwick and Roxburgh had fallen into the hands of the English, Linlithgow and Lanark were substituted in their place; and we find that, afterwards, all the royal boroughs, to the southward of the Spey, were invited to send representatives to this commercial council*.

* See the treatise intitled *Curia Quatuor Burgorum*, in the collection of old laws published by Skene. At what time

Of the circumstances which gave rise to this institution, or the period of its commencement, no account is given by historians. It was natural that the manufacturing and mercantile people, like the clergy, or any other class of men distinguished by their peculiar situation from the rest of the community, should hold consultations for promoting their common interest; but it is difficult to conceive that the towns in Scotland were, at a very remote period, possessed of such weight as could enable them, by their joint meetings, to assume any considerable jurisdiction or privileges. As the ancient parliament of boroughs was called and held by the king's chamberlain, the officer employed in superintending the royal revenue drawn from that class of the people, it is probable that the

the meeting, called the *Parliament of boroughs*, was first introduced, it seems impossible to ascertain. That part of the collection above mentioned, intitled *consuetudines burgorum*, and supposed by Skene to have been established in the reign of David the First, is conjectured to have arisen from the interpositions of this ancient court. The act of the legislature substituting the boroughs of Lanark and Linlithgow to those of Berwick and Roxburgh, which had fallen into the hands of the English, was passed in the year 1368, in the reign of David the Second.

authority acquired by this meeting had proceeded from the policy of the sovereign; and that it was calculated to answer the same purpose which he had afterwards in view, by introducing the burgesses into the national assembly. By subjecting the decisions and deliberations of the inhabitants of the towns to a representative court of their own order, he secured a degree of uniformity in their measures; was enabled, with greater facility, to overrule their determinations, more especially with regard to the contributions and duties which he levied from them; and taught them, by the habit of acting in their collective capacity, to discern their common interest in opposing the nobles, by whom they were frequently oppressed, and in supporting the king, by whom they were usually protected.

From the original parliament of boroughs, augmented and modified by the attendance of the delegates from other boroughs throughout the kingdom, was at last suggested the idea of a general meeting, composed of representatives from all the towns under the immediate patronage of the crown, and invested with powers to regulate the concerns of all

those trading societies. Such was the *convention of the royal boroughs*, authorized by an act of the legislature in the reign of James the Third, and confirmed by another statute in the reign of James the Sixth. The records of its annual meetings have been preserved from the year 1552; though its constitution and forms of procedure have been somewhat varied by subsequent regulations.

From the spirit and facility with which the individuals who compose the trading part of a nation are apt to unite in maintaining and extending their privileges, it might be expected that this early institution would have bestowed upon them an extensive influence in the government. But while Scotland remained an independent kingdom, the low state of her commerce prevented any combination whatever from raising her merchants to political importance; and in the present century, since, by her union with England, and by our own exertions, her circumstances in this respect have been greatly improved, her opulent mercantile towns no longer think it an object to associate with those inconsiderable corporations which chiefly compose the con-

vention of royal boroughs; but rather endeavour, by a voluntary association with the larger commercial societies of Great Britain, and by the formation of numerous committees, or *chambers of commerce*, to inforce their demands, and advance their common interests.

In the English parliament the knights of the shires were introduced about the same time with the burgesses; but, in Scotland the greater poverty of the lower classes of the gentry prevented them from aspiring to political importance, and therefore obstructed a similar improvement. It has been mentioned in a former part of this treatise, that James the First, about an hundred years after the time of Robert Bruce, having been long detained a prisoner in England, was disposed to imitate the institutions of a country more advanced in regular government than his own: and finding, upon his return home, that many vassals of the crown, from a variety of circumstances which had contributed to dismember their estates, were averse from the expence of attending in parliament; and at the same time observing that these men of

narrow fortunes, and of inferior rank, were commonly, from their jealousy of the greater barons, inclined to support the prerogative, he endeavoured, first of all, by an act of the legislature, to enforce their attendance. As this injunction, however, was disregarded, he soon after procured another statute, excusing the small vassals from that duty, but requiring that, in the same manner as in England, they should send representatives. The small vassals of the crown in Scotland, probably less able to bear the expence than the people of the same description in England, laid hold of the dispensation, but neglected to fulfil the conditions; so that before the reign of James the Sixth, that is, a full century after this period, the attendance of the knights of shires had not been made effectual.

Thus, during a period of two centuries at least, the national council in Scotland was composed of the barons who sat in their own right, of the dignified clergy, and of a small number of burgesses. In the forms of its procedure it was further distinguished from the correspondent council in England by two remarkable peculiarities.

1. The Scottish parliament was never divided, like that of England, into two houses. In the parliament of England, the knights of shires, and the burgesses, were, each of them, a numerous body, not easily accommodated in one apartment, and deriving suitable consideration and importance from that large proportion of the community which they represented. United, however, by their common character of representatives, they, instead of claiming distinct suffrages in the assembly, were led naturally to act in concert with each other; and, for the convenience of their joint deliberations, were collected in a separate place from the other members. But in the parliament of Scotland there were no knights of shires, and the few burgesses, the only other species of representatives, were too inconsiderable to claim such marks of distinction; and their pretension to sit and vote in a separate house would have been held ridiculous. Thrown into the common mass, they rather found it comfortable to escape observation, and to cover their insignificance; serving only, like the rubbish of a building, to fill a corner unoccupied with more solid materials.

This union of all the different members of parliament in one house had a visible effect upon the government. Though that assembly consisted of three different estates, or orders, who had each a separate interest, yet, in their promiscuous deliberations, it was to be expected that the influence of the nobility would greatly predominate. The ecclesiastical and mercantile orders became unavoidably subordinate to that more powerful body; and their measures were deeply tainted with the prevailing leaven of aristocracy. The delegates of the boroughs were more especially affected by this mode of deliberation. It was in vain to expect that a set of tradesmen, but lately emerged from a servile condition, would lay aside their native habits, and speak or act with firmness and intrepidity. Voting under the immediate eye of the great barons, men whom they had been accustomed to treat with respect and reverence, or whom they still wished to serve in the exercise of their professions, they were not likely to stand forward in maintaining their own opinions, or in pursuing any line of conduct that might expose them to the resentment or displeasure of those eminent personages. To

concur in silence with whatever should be proposed by their superiors, or to avoid those meetings which threatened a violent contest, was more agreeable to their circumstances, and to fall in with every prevailing party became naturally their temporizing system of policy. The introduction of those delegates into the legislature was therefore an event of little importance, and, for a long time, unproductive of any interference upon the part of the *commons*, either for exalting the prerogative, or establishing the rights of the people.

2. Another peculiarity in the procedure of the Scottish parliament consisted in the appointment of a committee, under the name of the *Lords of the Articles*, for the purpose of preparing and digesting the bills to be laid before that assembly. This institution appears to have arisen from the small number of members who sat in the national council, and their impatience under the delays of business, the consequence of their inexperience, which made it commonly difficult to procure a decently full meeting during the time requisite for the regular discussion of public affairs. To relieve themselves from a tedious and disagreeable at-

tendance, they devolved upon a few of their members the burden of putting the business into such a form, that nothing more than the mere assent or dissent of the meeting should be requisite; and that thus, in a day or two at the most, its deliberations might be completely ended.

This practice, which can be traced no higher than to the reign of David the Second*, and which did not acquire a regular establishment for some time after†, was indirectly favourable to the prerogative; and therefore was, no doubt, secretly promoted by the sovereign. Though the lords of the articles appear to have been originally nominated by parliament itself‡, the nomination was likely, in most cases, to fall upon those members, who, by their experience in such matters, and by residing about court, were the best qualified for executing the business. Such persons, however, were the usual ministers of the crown, and most commonly devoted to its interest; so that, by their means, the king was

* See Annals of Scotland by Sir David Dalrymple.

† See Wight's Inquiry into the Rise of Parliament.

‡ Wight's Inquiry. *Ibid.*

frequently enabled to keep out of view all those topics of discussion which he wished to avoid, and to seize a convenient opportunity for introducing those measures which he was eager to carry. It appears, indeed, that the lords of the articles had not an absolute negative upon the deliberations of parliament, but that the members of that assembly were at liberty, of their own proper motion, to suggest whatever subjects they might think proper. But such a mode of proceeding was a deviation from the usual course of business, uniformly discouraged and reprobated by the king and his ministers, and was not likely to be often proposed, or insisted on, by a set of rude barons, more distinguished for valour in the field, than for address and penetration in the senate.

Notwithstanding this expedient, however, which bestowed upon the sovereign such a manifest advantage in managing the deliberations of parliament, the super-eminent power of the nobility is every where discernible in the proceedings of that assembly, and in all the departments of government.

It was the practice in England, as I had for-

merly occasion to observe, that an act of parliament should proceed upon a petition from the two houses to the sovereign, requesting that some grievance might be redressed, or some branch of the public administration altered. This humble and respectful mode of proceeding never had place in Scotland, where we see the national council holding a very different language. They assume a dictatorial tone; avow the enactment of laws by their own authority; and even frequently ordain, without ceremony, that the king shall carry their measures into execution.

Thus, in a statute made in the reign of James the First, it is said, "the parliament has determined and ordained, that our lord the king "shall *gar* (cause to) mend his money, and "*gar* strike it in like weight and fineness to "the money of England*."

In another statute, the *parliament ordains*, that the king shall command the judges to distribute justice impartially between the poor and the rich, and that he shall rigorously punish those who do otherwise†.

* Parl. 1. ch. 25. *Black Acts.*

† *Ibid.* ch. 49.

In the reign of James the Second, *the three estates order*, that courts shall be held at certain seasons throughout the kingdom; and that the *king himself* shall be in each town when the court is held, or near it, where his council thinks fit.—The *three estates have* also *concluded*, that the king shall ride through the realm when information is received that rebellion, slaughter, or other attrocious crimes, have been committed, and shall cause immediate cognizance thereof to be taken*.

In the reign of James the Third, the *lords*, understanding that there has been great *sloth* in the execution of the laws relative to bringing in and keeping the bullion, so as to occasion great scarcity thereof, they require, that the king shall put the statutes on that subject *sharply* in execution, and shall appoint true and able *searchers* for the time to come†.

The style of the legislature was gradually softened and varied in later times; but the custom of passing statutes in the name of the three estates of parliament is continued occasionally

* Ja. II. ch. 5. and ch. 6. *Black Acts*

† Ja. III. ch. 80.

through the reigns of James the Third, of James the Fourth, and of James the Fifth*.

The course of parliamentary business in England, by which every bill passed through both houses in the form of a petition to the sovereign, produced, of necessity, a negative in the crown; for a petition would have no force unless when granted by the person to whom it was addressed. But in Scotland, where statutes were enacted by the general authority of parliament, there was no foundation for this controuling power of the monarch. As parliament in that country was not divided into two houses, the king does not appear to have constituted a separate branch of the legislature. He seems to have been originally regarded as the president of that assembly, and his voice to have been included in its general determinations. In the early history of the Scottish parliament, we meet with no traces of the interposition of the royal negative upon bills; the style and tenure of those transactions is, at the same time, utterly repugnant to any such idea; and there occur

* See instances of this, Ja. III. ch. 130, ch. 131, ch. 132. Ja. IV. ch. 37. ch. 82. Ja. V. ch. 4. ch. 102.

instances of statutes which are known to have been enacted in direct opposition to the will of the crown. The religious reformation which took place in the reign of Mary, derived its authority from an act of the legislature, to which the assent of the queen, or of her husband, the king of France, was never obtained, but which does not appear, either at that time or afterwards, to have been considered, on that account, as defective*.

The Scottish house of parliament had thus the uncontrouled power of legislation. It exercised also the exclusive privilege of imposing taxes, together with that of directing their application to the particular purpose, and of superintending the expenditure of the money. It was accustomed to determine peace and war; to regulate the forces; to appoint governors of the fortresses in the kingdom; and to make provisions for arming the people, and for training them up to the use of arms†.

* See the political publications about the time of the Union.

† See particularly a discourse on the Union of Scotland and England, published 1702; also an historical account

In most of the European governments the national council was held regularly at particu-

of the ancient rights of the parliament of Scotland, published 1703.

In the parliament held 1481, during the reign of Ja. III. the three estates, considering the design of the *reifar*, (robber) Edward, to invade Scotland, *of their own free will*, grant and promise to remain in defence of the king's person and realm, according to the practice of their ancestors. And they appoint a certain number of armed men to be employed at their expence, as a garrison in the town of Berwick, and as guards in different parts of the borders. It is also ordained in the same act, that an ambassador shall be sent to solicit aid from the king of France. Ja. III. ch. 100. *Black Acts.*

In the statutes of William, the people are required, according to their wealth, to provide themselves with arms of a certain description, and to appear with these at the stated times of rendezvous. See Stat. Will. regis. c. 23. *Black Acts.*

That parliament took upon itself the care of causing the people to be provided with arms, and to be instructed in the use of them, appears from a multiplicity of statutes. See Statutes, Ja. I. ch. 20. ch. 48. ch. 67. Ja. II. ch. 71. Ja. III. ch. 106. Ja. IV. ch. 53. Ja. V. ch. 61. *Black Acts.*

By act of parliament, in the reign of James the Fourth, orders are given for renewing the alliance of Scotland with France, with Spain, and with Denmark; and for sending, on that account, an embassy to Denmark. See Ja. IV. ch. 22. ch. 23. *Black Acts.*

lar seasons. It came afterwards to meet more frequently, according to the increase of its business; and the power of calling, or of dismissing their occasional meetings, which were at length substituted altogether in place of the former, was generally assumed by the king. In England this power was uniformly exercised by the crown; and the legislature interfered no farther in that matter than by ordaining that the king should call meetings of parliament once a year, or oftener if the business of the nation should require it. But in Scotland this branch of the prerogative seems to have been treated with little ceremony; and we find the parliament, by its own authority, putting an end to its meetings, and appoint-

Even the naval force of Scotland, however inconsiderable, seems to have fallen under the immediate regulation of parliament. See act Ja. I. ch. 140. *Black Acts.*

By an act in the reign of James IV. the parliament appoints a governor to the castle of Edinburgh, and orders the castle of Dunbar to be demolished. By another act, in the reign of James VI. the order for the demolition of the castle of Dunbar is repeated, with an additional injunction for demolishing the castle of Inch-kieth, ch. 25. *Black Acts.*

By an act, James VI. parl. 9. ch. 8. money is assigned for keeping the castles of Edinburgh, Dumbarton, Stirling, and Blackness, not to be applied to any other purposes.

ing others to be held at particular times and places, either for the determination of particular points, or for the discussion of its ordinary business*.

Even the domestic arrangements of the royal family were not, in Scotland, exempted from the interference of parliament; and the marriages of the sovereign were dictated by such political considerations as had occurred to that assembly. How far it is the duty of a prince to sacrifice his own inclination, in a matter of this kind, to artificial reasons of state, and to convert the most important and agreeable bond of private society into a prostituted and disgusting connection; and how far the alliances derived from such political

* Thus by Act James I. ch. 125, the parliament which met April 1429, is, *by its own consent*, adjourned to the Martinmas following. A similar adjournment, ch. 145.

By act James II. ch. 22, it is ordered that a parliament shall, at a certain day, be held at Perth, for the discussion of business particularly specified.

By act James II. ch. 38, passed in August 1442, a parliament is appointed to be held at Edinburgh in the March following.

See other acts to the same purpose—James II. ch. 42. ch. 52. James III. ch. 61. ch. 75. *Black Acts.*

considerations are likely to be of much national benefit, and worthy the attention of a spirited people, it may, perhaps, be difficult to determine. By the old feudal system, the vassals were obliged to marry with consent of their liege lord; but that the sovereign should be forced in this point to comply with the will of the nobles, the superior to take a wife by the direction of his vassals, may be thought an unusual strain of aristocracy. We find that in England, Queen Elizabeth treated such interpositions of parliament with disdain, and considered them as manifest encroachments upon the prerogative. It must at the same time be acknowledged, that the fetters thus imposed on the sovereign, were probably more vexatious, in those times of simplicity, than they would be in ages of luxury and dissipation, when, from different modes of living, the felicity of persons in high rank is less governed by those principles which affect the condition of their inferiors.

The authority assumed by the Scottish parliament, with relation to the distribution of justice, which was no less extensive than in the other branches of administration, will fall

more properly to be considered, in taking a connected view of the judicial establishments of Scotland.

The particulars above-mentioned, concerning the aristocratic nature of the government in Scotland, are proved by the most authentic evidence, that of the statutes, collected from the records, and published by authority. It is remarkable, however, that a great part of the statutes referred to, are to be found in the first edition only of that collection, published in the reign of Queen Mary, and, from its being printed in the Saxon character, known by the name of the *Black Acts*. In the reign of James the Sixth, when the prerogative had been greatly extended, a design was formed of concealing, as far as possible, the ancient state of the government; for which purpose an attempt was made to suppress this edition: and another was published, in which those acts which appeared to demonstrate the high powers of parliament were carefully omitted. This mutilated collection is copied in the last edition of the statutes published in the reign of Charles the Second, which is now commonly used. The copies

of the Black Acts which remain at present are not numerous, and the peculiar knowledge to be derived from that ancient compilation is, in some degree, limited to those who are conversant in the legal antiquities of Scotland. The glaring imposition upon the public, thus attempted by the authority and direction of the crown, affords a noted example of the unprincipled measures of that reign, and conveys a strong presumption, that the old constitution of Scotland was diametrically opposite to the political views entertained by the sovereign, and to that system of regal power which he was labouring to realize.

Through the whole history of the period now under consideration, we discover numberless events which mark the rivalship between the king and the nobility, as well as the exorbitant power in the hands of the latter. In that famous manifesto drawn up by parliament in 1320, and addressed to the pope, they plainly intimate, that by their authority Robert Bruce had been advanced to the throne; and they expressly declare, that if ever he should abandon their cause, and be-

tray their privileges, they would expel him as an enemy, and choose another king to rule and protect them.

When the same Robert Bruce had, by his persevering valour and prudence, delivered the country from subjection to the English monarch, and by a train of brilliant exploits, attained universal admiration and popularity, he ventured in parliament, a little inconsiderately, to question some of the nobility, by what title they held their estates? The tendency of this question was immediately perceived; and the memorable answer given unanimously by the barons is known to all the readers of Scottish history. They drew their swords: "By these," said they, "we have acquired our possessions; and with these we will maintain them."

A late elegant writer, who, in his history of Scotland, unites to the facts collected by former historians such philosophical views and discussions as the diffusion of knowledge in the present age was able to supply, has observed, that the disorders which prevailed in the country, and the disasters which befel so many of its monarchs, from the reign of

James the First, to that of James the Fifth, proceeded, in great measure, from the eagerness of those princes to undermine and destroy the exorbitant power of the ancient aristocracy.

James the First, a prince of great abilities, and of elegant accomplishments, was led, not only to aim at the introduction of the superior good order and policy which he had observed in England, but also to promote a similar aggrandizement of the crown. For this purpose he endeavoured gradually to weaken the nobility, by seizing the estates of particular barons upon pretence of defects in their titles, and by procuring the condemnation and forfeiture of others, upon a prosecution for crimes. His measures, however, at length produced a general combination against him, and gave rise to an insurrection, in which he was cruelly murdered.

His son, James the Second, prosecuted the same plan of humbling the nobles, but with a brutal impetuosity and fierceness, and with a perfidy which paid no regard to the most sacred engagements. His behaviour soon excited a formidable rebellion; from which he

found means to extricate himself by the treachery of some of the rebels, and by the irresolution and weakness of their leader. He had proceeded, for some time, in improving the advantages arising from the discomfiture of his enemies, when a sudden death, by a splinter from the bursting of a cannon, put a stop to his career, and delivered the nobles from so formidable an adversary.

He was succeeded by James the Third, a prince totally destitute of the capacity and vigour requisite for the government of a rude and turbulent people; but who paid some attention to the fine arts, and to frivolous exhibitions of mechanical dexterity. He endeavoured to mortify and depress the nobles by neglect, by excluding them from his councils, and by depriving them of the offices and privileges with which they had formerly been invested; while he suffered himself to be governed by persons of mean birth, and passed his whole time in the company of those favourites, whose petty talents and accomplishments afforded him amusement. The indignation of the nobility was inflamed by finding the favour and confidence of the so-

vereign, to which they aspired, and which they considered as their due, bestowed upon such unworthy and contemptible objects. Taking advantage, therefore, of an invasion from England, which required that they should assemble their vassals, they formed a conspiracy to rid themselves of these despicable rivals, broke into the king's apartment, seized his principal minions, and, without any form of law, hanged them over a bridge near the town of Lauder. The infatuated monarch was not rendered wiser by this humiliating check. Persevering in the same system of favoritism, he afterwards established a body guard, and debarred the nobility from all access to his person. This at length produced a rebellion, in which he was slain at the battle near Bannockburn, and which by its fortunate issue, augmented, for a time, the power of the aristocracy *.

* Concerning this prince, there is mentioned an occurrence, which may appear too ludicrous for the gravity of history, and which is too inconsistent with royal dignity to be recorded by later historians. It is said that James, having torn to pieces a charter of the Earl of Morton, on account of the privileges which it contained, the

The character of James the Fourth was very different from that of his father; and he experienced a very different fortune. Full of the ideas of chivalry, his great object was military glory; and, instead of entertaining a jealousy of his nobles, he regarded their fidelity and attachment as indispensably necessary for promoting his own greatness, and admitted them to that degree of intimacy which the spirit of the feudal system introduced between a military leader and his vassals. Their gratitude and affection corresponded to his open and generous dispositions; and their utmost exertions and services were at his devotion. It is observed, however, in the history of this reign, that they suffered more from attachment to the king, than they had ever suffered, on former occasions, from the jealousy and ma-

nobility insisted that he should make satisfaction for the outrage, and obliged his majesty, while sitting on the throne, with a needle and thread, to sew together, carefully, the several fragments of the manuscript. There may be some ground to question the authenticity of this anecdote; but it must be evident, that the authority of the monarch could not be very exalted in a country where such a report was believed or circulated. (See a Discourse of the Union, published 1702.)

chinations of the crown. In the fatal field of Flowden, the Scottish nobility, unwilling to desert or to survive their beloved sovereign, received a blow which greatly impaired their strength, and from which, for a long time, they did not perfectly recover.

Of the three estates in parliament, the great superiority of the nobles created in the two others a disposition, so far as they acted from political considerations, to form a league in their own defence, and even to unite their influence with that of the crown. The boroughs were too insignificant to render their aid of much consequence; but the clergy were possessed of great wealth, and many individuals among them, from their education and professional habits, were distinguished by learning, abilities, and political talents. The higher benefices, at the same time, both of the secular and regular clergy, were in the gift of the crown, a circumstance which could hardly fail to conciliate the favour of the church, and to warm and enliven her zeal in supporting the prerogative. James the Fifth, who is represented as a prince of some abilities, but of a gloomy and sullen temper, appears to have

been fully sensible of this natural connection, and aware of the advantages to be derived from it. He bestowed his confidence almost exclusively upon ecclesiastics, appointed them to fill the most lucrative offices in the state, and employed them in the chief branches of administration. By their dexterity, prudence, and vigour, the public tranquillity was maintained, and the business of the nation, for some time, prosperously conducted; while the nobles were kept at a distance, and carefully excluded from every situation either of power or emolument. The whole order of the nobility was thus depressed and weakened; at the same time that no opportunity was neglected, by accusations and punishments, to accomplish the ruin of individuals.

These plans of the monarch had for some time been prosecuted with success, when, from the very system of policy to which he had resorted, he was involved in difficulties which could not easily be surmounted. Henry the Eighth, in his attempts to deliver his dominions from the authority of the Roman pontiff, was naturally desirous of procuring the co-operation and countenance of neighbouring states;

and, in particular, had proposed a treaty of alliance with his nephew, the king of Scotland. By this proposal, the bigoted ministers of James, foreseeing that, from an intimate correspondence between the two countries, the spirit of religious innovation was likely to be propagated from the one to the other, were thrown into the utmost consternation. They exerted all their influence to defeat the projected alliance; employed every artifice to prevent a communication with the heretics of England; and were even so far successful as to persuade their master to reject a conference with Henry, to which he had been invited. The consequence of this measure, so contrary to the interest of James and of the nation, but so conformable to the views of the churchmen, whose advice he implicitly followed, was an immediate war with England, which made it necessary to convene the nobles for the purpose of procuring a military force.

James had now the mortification to discover that his prospects were totally blasted, and to find himself without hopes of relief, under the power of those haughty barons, whose jealousy he had excited, and whose indigna-

tion and resentment he had incurred. Unable to bear the disappointment, he died of a sort of pet, into which he was thrown by the repeated disobedience of his orders, the contempt shown to his authority, and the insults that were offered to his dignity.

The most important event in the reign of the unfortunate Mary, an event which affected the whole train of her public and private transactions, was the religious reformation. The new system which then took place in Scotland was more democratical than, from the state and circumstances of the country, could, perhaps, be expected. It arose, no doubt, from a variety of causes, among which the great power and influence of the nobles was probably not the least remarkable.

1. The diffusion of knowledge over the countries of modern Europe, and the consequent disposition which appeared in many of them to deliver themselves from the tyranny of the church of Rome, were gradual and progressive. To pass over those theological opinions, which, from their absurdity and pernicious tendency, had given scandal to Christians, and to consider the reformation

merely in a political view, it is to be remarked, that the first reformers were content with a total emancipation from the papal power, and with an entire abolition of those monastic orders, the great nurseries of superstition, by which that papal power had been chiefly supported. But, in the course of inquiries, and in the heat of controversy upon that subject, the number and variety of abuses in the old church became gradually more apparent, and the breach between the disputants was widened. The rottenness of the ancient fabric being more and more laid open, alterations of greater extent and importance were thought necessary for the security of the new edifice. To strike at the root of superstition, and to prevent mankind from being enslaved by their spiritual guides, it appeared proper to many, that the number even of the secular clergy should be reduced; that their opulence should be diminished; and that their subordination in rank and authority, by which they were closely combined, and brought under the direction of one, or a few, leaders, should be abolished.

In most of those countries, therefore, in

which the people began to think of renouncing the errors of the church of Rome, after they had long been the subject of examination and censure, the ancient hierarchy came to be entirely destroyed, a perfect parity among the clergy introduced, and provision made by the moderation of the livings bestowed upon them, for preventing their future power and grandeur. As the reformation made its way, at a later period, into Scotland than into most other parts of Europe, it was likely to be adopted by the Scottish nation in that higher state, which a long continued ferment in the minds of men had produced, and which coincided with the ardent and exalted spirit of the times. The doctrines and the model of church-government which had been established at Geneva by Calvin, the latest apostle of the reformers, were thus imported into Scotland by John Knox and his followers; and being received by the people with a warmth of approbation suitable to the enthusiastic ardour with which they were inculcated, produced an abhorrence of the hierarchy, and of the pompous worship retained in England, scarcely inferior to that which was excited by

the gross errors and abuses exhibited by the church of Rome.

2. The manner in which the reformation was effected in Scotland, contributed also to the peculiar modification which it received in that country. As in England, the king was the leading reformer; he, of course, modelled the new system in conformity to the interest of the crown, and carefully preserved that ancient hierarchy which was calculated for supporting the power of the monarch. But in Scotland, the mother of Mary, and her uncles, of the powerful house of Guise, were bigotted Roman Catholics; and, by their authority in the administration, together with their influence over the young queen, gave such a direction and bias to the course of public affairs as produced an uniform and vigorous opposition to every step of the reformation. As the people, therefore, became the reformers, in open defiance of those who conducted the machine of government, they were led to establish a popular system; and, as they had many and great obstacles to surmount before they could accomplish their ultimate object, their enthusiastic notions of religious purity swelled in

proportion, and prompted them, by the common animosity which attends every violent contest, to recede so much the farther from the ancient establishment.

3. But the prevalence of aristocracy in Scotland contributed, perhaps, more than any other circumstance, to the destruction of the hierarchy, and to the very limited provision that was made for the ministers of the protestant church. As the ignorance and superstition of the Scottish nation was probably not inferior to that of most other European countries, it appears that the property accumulated in the hands of the church, considering the general state of wealth in the country, was not less extensive. It is computed that, immediately before the reformation, the collective body of the secular and regular clergy possessed, in tythes and landed estates, a yearly revenue amounting to a full half of the landed rent in the kingdom*. This opulence presented a rich field of plunder to the nobles, who, at the same time that their political resentment was excited against an order of men which had of late been the great pillar of the crown, had the

* See Forbes on Tythes.

prospect of stripping the church of her large benefices; and, by their great influence and authority, converting to their own use the greater part of that immense revenue. They united, therefore, most cordially with the populace in promoting the presbyterian system of church government; and, from strong motives of interest, adopted the same line of conduct which the latter eagerly pursued from principle.

Thus we find that the nobility took a very active share in the reformation; and having obtained from the crown a great proportion of what was called the *spirituality*, as well as the *temporality*, of ecclesiastical benefices, continued afterwards to interest themselves in the new establishment, and particularly to guard against the future designs of the crown for increasing the power and revenue of the church. For this purpose they became members of the *general assembly*, or chief ecclesiastical council; and continued to sit in it for near thirty years after its first institution. When James the Sixth afterwards introduced a sort of episcopal government, they took care to prevent the restitution of any part of those church-revenues

which they had appropriated; and when, at a subsequent period, the measures of Charles the First threatened the more complete establishment of the hierarchy in Scotland, they became active in forming with the people that *solemn league and covenant*, by which the whole power of the nation was exerted with the most decisive effect in defeating the measures of that ill-advised and infatuated monarch.

It may here be remarked, that, from a difference of circumstances, the presbyterian religion came to be more deeply rooted, and sprung up with more vigour in some parts of Scotland than in others. In the north, the slower advancement of knowledge and the arts disposed the inhabitants to retain the old superstition, and produced a reluctance to those innovations which were so generally adopted in the other parts of the kingdom. In the neighbourhood of the capital, the influence of the crown was more immediately felt, and counteracted, in some measure, the natural bent of the people, not only towards the reformation in general, but also towards the destruction of the hierarchy in particular. It was in the western coun-

ties, at some distance from the seat of government, though not so remote as to preclude a strong tendency to improvement, that the presbyterian religion was embraced with a degree of ardour and enthusiasm which nothing could withstand, and which the most violent persecution, in the reign of Charles the Second, served only to augment. The puritanical principles, and the fanaticism of those counties, became a source of distinction; and the peculiarity of aspect and manners observable in the zealots from this quarter, is said to have procured from the courtly inhabitants of the east the nick-name of *whigs*, a religious appellation, which being afterwards applied to the political opponents of the crown, has had the fortune to spread over the whole island, but which in its original acceptation is still sometimes used in the western parts of Scotland.

SECTION III.

OF THE GOVERNMENT OF SCOTLAND, FROM THE UNION OF THE SCOTTISH AND ENGLISH CROWNS, TO THAT OF THE TWO KINGDOMS.

FROM the beginning of this third period, the political history of Scotland is so interwoven with that of England, that it would be inconvenient to enter into a full examination of the former, before we have also an opportunity of considering the latter. At present, therefore, a few preliminary observations concerning what was peculiar in the state of Scotland, will be sufficient.

The government of Scotland, by the accession of her sovereign to the English throne, experienced a very sudden and important revolution. The monarch, from the sovereignty of a petty state, was at once exalted to the head of an opulent and powerful monarchy, in which the greater part of the feudal institutions had fallen into disuse; and in which, upon the ruins of the aristocracy, the prerogative of the crown, on the one hand, had

risen to a considerable height; while, on the other, the people were beginning to lay the foundation of their privileges. In these circumstances, the king of England found little difficulty in extending to the northern part of the island that authority which he possessed in the southern.

But while the nobles in Scotland were thus easily reduced under subjection to the crown, the people at large were not raised to suitable independence. In England, as well as in many other European governments, where the prerogative advanced gradually and slowly, in consequence of the gradual advancement of society, the king was under the necessity of courting the lower orders of the community, and of promoting their freedom, from the view of undermining the power of the nobility, his immediate rivals. But in Scotland, after James the Sixth had mounted the English throne, neither he, nor his immediate successors, had any occasion to employ so disagreeable an expedient. They were above the level of rivalship or opposition from the Scottish vassals of the crown; and had therefore no temptation to free the vassals of the nobility

from their ancient bondage. A great part of the old feudal institutions, in that country, were accordingly permitted to remain, without undergoing any considerable alteration; and the troublesome forms and ceremonies, formerly used in the transmission or conveyance of landed property, continue, even at this day, to load and disfigure the system of Scottish jurisprudence.

The political changes, introduced by James the Sixth, were such as contributed to depress the aristocracy, without exalting the lower classes of the people.

1. This prince enforced the regulation of his predecessor, James the First, by requiring that the representatives of counties should give a regular attendance in parliament. In Scotland, however, this measure, though professedly in imitation of the practice in England, was adopted with peculiar modifications agreeable to the views of the monarch. By the practice in England, all who held lands of a certain value, whether as vassals of the crown or of a subject, and all who enjoyed leases for life of lands to the same amount, were entitled to vote for the knights of shires;

whereas in Scotland, none but the immediate vassals of the crown, how extensive soever their landed property might be, obtained a right of suffrage. In England their elective franchise had been brought so low as a yearly rent of forty shillings; and the same rule appears by the regulation of James the First, to have been introduced into Scotland. By the debasement, however, of the money in Scotland, the qualification for voting, according to this nominal rent, would have fallen a great deal lower; but it suited the purposes of James the Sixth to explain this regulation, as if it had required the voters to possess, not merely a real rent of forty shillings, but a rent amounting to that sum, according to an old valuation of all the lands in Scotland, which had long been the rule to the vassals of the crown for the payment of their taxes. This valuation, from the low state of agriculture when it was made, bearing no proportion to the real value of estates, the right of electing the representatives of counties, instead of being communicated, as in England, to people of small property, was confined to a few

of the gentry, who might easily be secured in the interest of the crown.

2. The number of burgesses who sat in the Scottish parliament had, from the time of their first introduction, been gradually increasing by the incorporation of additional boroughs. The nobility, at the same time, living in the neighbourhood of particular towns, had often found means to gain an influence over the inhabitants, and to obtain the direction of such incorporated bodies. In all the royal boroughs of Scotland, the distribution of justice, and the management of their public affairs, were committed to a set of magistrates, and a town council, who, according to the primitive regulations, appear to have been annually chosen, in each borough, by the collective body of the burgesses*.

By degrees, however, such individuals as had obtained the patronage of particular bo-

* See Leges Burgorum, c. 77. Statuta Gildæ, c. 33. c. 34.

This mode of electing the magistrates and town-council was probably continued for a long time in all the boroughs, as may be concluded from a great number of their charters. See state of the evidence contained in the returns to the house of commons, 1791.

roughs, whether the king or any of the great barons, endeavoured to establish a permanent influence, by substituting other modes of election more favourable to their interest. Thus, by a statute in the reign of James the Third, it is provided, "that the old council shall annually elect the new; and that the old and "new council jointly shall elect the officers of "the boroughs*."

It is probable that this regulation was dictated by the nobility, who had procured an entire ascendant in many of the boroughs, and frequently held the principal offices in those communities. It is, accordingly, further provided in the same statute, "that no captain, "nor constable of the king's castles, shall bear "any office in the town where he resides†."

For securing still more effectually the interest which had been already established in a borough, it was afterwards enacted by the legislature, "that *four persons only* of the old "council should be changed each year;" a regulation plainly intended to relieve the patron from the embarrassment he might be under, in

* 1469. c. 30. † Ibid.

substituting, all at once, an entire new set of adherents to those who had been displaced.

We meet also with other statutes, apparently calculated to limit the effects of the former, and probably suggested by the crown, ordaining that the officers of boroughs should be *real inhabitants*, and *traders of the community*; but the frequent repetition of these acts affords undoubted evidence that little regard had been paid to them.

After James the Sixth was invested with the authority of king of England, he found that many of the regulations, introduced by the nobility for the management of the boroughs, were become highly subservient to the maintenance of that influence over them which had then been transferred to the crown; and therefore, instead of abolishing that system of policy, he was disposed to encourage and make improvements upon it. From this time forward, the members of those communities were, by various alterations, more and more stript of the administration and government of their own affairs; while their nominal administrators and governors beecame, in reality, the agents and tools of the crown. This observation will ex-

plain a passage in the *claim of rights*, presented by the estates of Scotland soon after the revolution of 1688; in which it is said, "That the abdicated family had subverted the rights of the royal boroughs, by imposing upon them the *magistrates*, the *town-council*, and the *clerks and other officers*, contrary to their liberties, and their express charters."

3. Notwithstanding the introduction of the presbyterian church-government into Scotland, the king contrived to continue an appearance of the ecclesiastical order in parliament. The prelates, whom James retained in that assembly, were a sort of bishops possessed of small revenue, destitute of all authority, and loaded with the contempt and censures of the church. But after he became king of England, he found means to increase their powers and emoluments, and to lay the foundation of that episcopal government which was completed by his son and his grandsons, but which was finally abolished at the revolution*.

* Before the reformation, there were in Scotland two archbishoprics, 12 bishoprics, 27 abbacies, and 13 priories. Balfour's Pract. p. 34.

4. The parliament of Scotland was thus, after the union of the crowns, composed of the same orders with that of England; the nobility, the bishops, the knights of shires, and the burgesses. To these different members, however, were added the great officers of state, who sat in parliament, not as in England by representing particular counties or boroughs, but merely in consequence of holding their several offices. It is probable that their admission into that assembly had proceeded, not from any formal regulation, but from the ordinary course of business, which required that, as ministers of the crown, they should make frequent propositions to the legislature concerning those measures which called for its direction. In England, where an act of parliament was passed in the form of a petition to the crown, the king had no occasion to interfere in the business before it was presented to him for his consent. But in Scotland, where the three estates enacted laws by their own authority, and where the crown had no negative, it was necessary that his majesty, if he was to give his opinion at all, should mix in the deliberations of parliament, and take some share in its debates. The

dignity of the crown, however, seemed to require that this communication with the national assembly should be made, not by the sovereign in person, but through those great officers to whom the ordinary administration of government was delegated. At what time these officers were first considered as invested with this privilege, is unknown; but in the reign of James the Sixth, if not at an earlier period, it appears to have been completely established *.

5. The appointment of the *lords of the articles* underwent a number of successive alterations, all of them calculated to render it a more effectual engine of parliamentary management. When those commissioners were in the nomination of parliament, it became a natural practice that a certain number of them should be named by each particular estate as its own representatives. At the reformation the suspi-

* By parl. 1617, the number of these officers who should, *ex officio* enjoy a seat in parliament, was limited to the eight following: 1. The high treasurer. 2. The deputy treasurer. 3. The secretary. 4. The privy seal. 5. The master of requests. 6. The clerk register. 7. The justice clerk. 8. The advocate.

cion entertained of the bishops seems to have introduced a regulation that the spiritual commissioners, though chosen from the dignified clergy, should be nominated, not by their own order, but by nobles *.

James the Sixth obtained an act of the legislature, ordaining, that, before the meeting of parliament, four persons should be named out of each estate as a committee previously to consider and determine the business to be laid before the lords of the articles; and, as the king appears to have assumed the nomination of this committee, he was thus invested with a previous negative upon those commissioners themselves who prepared matters for the deliberation of parliament. Charles the First superseded this regulation by bringing the appointment of the lords of the articles directly under the guidance of the crown. He procured an act of parliament empowering the peers to choose eight bishops, the bishops eight peers; and those sixteen persons to elect

* Some writers think that the same act which made this regulation, provided also that the commissioners of the peerage should be named by the bishops; but this appears doubtful. See Wight on the Scottish parliament.

eight knights of shires and eight burgesses; to all of whom were added the eight great officers of state. It is observed by an acute author *, that as at this time the bishops, from the manner in which they were upheld in parliament, were uniformly in the interest of the crown, and as, from the ordinary state of the peerage the bishops might easily find one or two commissioners of that class in the same interest, a majority of the sixteen, and consequently of the whole committee, would infallibly be the adherents of the prerogative. Upon this footing, unless during the usurpation of Cromwell, the lords of the articles continued until the revolution, when they were finally abolished.

By the union of the crowns of England and Scotland, the capital city of the former became the usual residence of the monarch; and the latter country was reduced into the situation of a distant province. The baneful effects of this change upon the administration of the government in Scotland will be the subject of a future examination. We may at present take notice of its immediate consequences

* See Essays on British Antiquities by Lord Kames.

with respect to the character and manners of the inhabitants, and with respect to their progressive improvements in arts and literature.

The removal of the king and of the court to the southern part of the island, was followed by a correspondent migration of the Scottish nobility and gentry, who naturally resorted to the new seat of government in quest of amusement, or in hopes of sharing the favour of the prince. Deserted by these men of rank and fortune, Scotland lost unavoidably that market which formerly arose from supplying them with the necessaries and conveniencies of life, and consequently that industry which it had put in motion. She lost, in like manner, some of the principal sources of emulation and of exertion in the liberal arts; while the standard of taste and fashion being transferred to a foreign kingdom, her candidates for fame were consequently withdrawn from the day-light of honour and distinction. Her language, I mean that used in the lower parts of the country, originally a branch of the Anglo-Saxon, ceased to be considered as an independent dialect, and was regarded merely as a corruption of English. Her writers, of course, labouring

to express themselves in a tongue no longer native to them, and struggling to become acquainted with its idioms, were no more the competitors, but reduced to the humble imitators of their southern neighbours.

From this change of circumstances, the inhabitants of Scotland were greatly discouraged and retarded in the improvement of manufactures; and remained for a long time in that simple state of society which precedes the minute division of labour among the different kinds of artificers. They were also prevented from cultivating those elegant arts which are the natural offspring of luxury and refinement more especially those branches of literary composition whose object is merely entertainment.

But though the Scots were left far behind their neighbours of England, in the accumulation of wealth, in the habits of industry, and in those inventions which contribute to shorten and facilitate labour, they had already made some advances in knowledge, and they were surrounded by other civilized nations, from whom they could hardly fail to catch a degree of science and literature. The revival of letters in modern Europe was attended by

a spirit of activity and exertion, which diffused itself, more or less, over the whole; and by imitation or emulation, by a correspondence among persons of genius and enterprize, by the patronage of princes and men of wealth, pushed on the people of every country to a variety of useful and liberal pursuits. The inhabitants of Scotland were affected by the same general causes of improvement which operated upon the surrounding nations; though, in comparison with the English, they lay under disadvantages. But as their objects were varied, so their path was a good deal different. The people of Scotland, so far as they cultivated letters, were directed into the road of general science. Despairing of reputation, either as poets, or fine writers, they advanced by degrees in those branches of learning and philosophy, which had diffused themselves over the rest of Europe.

The peculiar spirit with which the Scots had overturned the Roman Catholic superstition, gave a particular modification to their intellectual pursuits. The great ferment excited over the whole nation, and the rooted an-

tipathy to the former ecclesiastical doctrines, produced a disposition to inquire, and to embrace no tenets without examination. The energy requisite for the accomplishment of the reformation, and the impulse which that event gave to the minds of men, continued after the new system was established; and produced a boldness and activity, not only in examining religious opinions, which were of great extent, but in the general investigation of truth. Even the common mass of the people took an interest in the various points of theological controversy; became conversant in many abstract disquisitions connected with them; and were led to acquire a sort of literary curiosity.

The activity and vigour of mind which had thus been excited, produced a general attention to the propagation of knowledge, by a liberal education. In the reign of James the Sixth, public schools were established in every parish, to teach reading in the vulgar tongue, writing, and accounting; and in those places where it was found requisite, the Latin, or even the Greek language. This institution has been frequently regarded as the cause of the

diffusion of knowledge among the lower classes in Scotland; but it seems, in reality, to be the effect of a general demand for instruction, without which, any regulation of this nature would have soon fallen into disuse.

The same circumstances which tended in Scotland to multiply seminaries of education, contributed also to model those institutions according to utility and the conveniency of the inhabitants. While the principal schools and universities of England, from the remains of ancient prejudice, confined their attention, in a great measure, to the teaching of what are called the learned languages, those of Scotland extended their views in proportion to the changes which took place in the state of society, and comprehended, more or less, in their plan of instruction, the principles of those different sciences which came to be of use in the world.

While the Scottish nation in general received an intellectual stimulus by the violent impulse given at the reformation, the lower and middling ranks of the people were peculiarly affected by the slow progress of manufactures. In England, a great proportion of

the inhabitants, engaging in active employments, and having their attention fixed upon minute objects, acquired, by their situation and habits, great professional skill and dexterity; but in every thing beyond their own trade or profession, remained proportionably destitute of experience and observation. In Scotland, on the contrary, the great body of the people were either idle, or slightly occupied by a coarse trade or manufacture, in which various branches of labour were united; so that the same persons, though less dexterous or skilful in any one department, were not prevented from attending successively to a variety of objects, from applying themselves to different pursuits, and consequently from attaining different kinds of information. From such a difference of circumstances, knowledge, as well as labour, came, in the one country, to be minutely divided; and, though a great quantity of this mental treasure was contained in the whole aggregate, yet from the manner of its distribution, a very small portion commonly fell to the lot of an individual: whereas in the other country, though the sum total of improvement was inconsiderable, yet that little

was not appropriated in such diminutive parcels, but remained, in some measure, as a common stock, which every member of the community might bring at pleasure to market.

In all parts of the world it is accordingly observable, that the great body of the people, while they remain in a state of rudeness and simplicity, are distinguished by their intelligence, acuteness, and sagacity; and that in proportion to their advancement in commerce and manufactures, they become ignorant, narrow-minded, and stupid. But in the period of the Scottish history now under consideration, the lower and middling classes of the people were placed in the former situation; at the same time that, from the causes already mentioned, the more enlightened part of the nation was not altogether destitute of literature and philosophy. While a great number of all ranks were neither immersed in business nor engrossed by the early pursuit of gain, they were at leisure to procure instruction, to go through a regular course of education at schools and universities, and to spread over the community a relish for such parts of learning as were then fashionable. A strong pre-

dilection for what are called the learned professions became thus very prevalent in Scotland; and men of an active disposition, little accustomed to an ordinary routine of employments, were easily induced to change their professional objects, or even to migrate into foreign countries for the purpose of advancing their fortune *.

The intelligence, sagacity, and disposition to learning, in the common people of Scotland, were inseparably connected with that modesty and reserve which make a distinguishing feature in the manners of rude and simple na-

* Of all the common trades, in the hands of the vulgar, that of gardening approaches the nearest to a liberal profession. A gardener, by the cultivation of fruits and vegetables acquires a considerable branch of the knowledge in the department of a farmer; by collecting a number of plants, by observing their analogies and differences, and by arranging and assorting them, he becomes a proficient in botany; by studying their medical virtues, and by taking advantage of the credulity of his neighbours, he is exalted into a species of physician!

These advantges produced a powerful attraction to this employment; the same bias remains even to the present times; and Scotland, it is well known, has the merit of furnishing a large proportion of the gardeners over Great Britain.

tions. These qualities proceed from the necessitous condition of mankind antecedent to the improvements of society; when, from the difficulty of supplying their own wants, they have little opportunity or disposition for exercising a mutual sympathy or fellow-feeling with each other; and, consequently, are ashamed and unwilling to disclose the secret emotions and sentiments which they know will meet with little attention or regard. That style of distance and reserve which the Scots possessed in common with all rude nations, was confirmed, we may suppose, and peculiarly modified by the nature of their government and political circumstances. As the common people were extremely dependent upon the higher classes, they became necessarily cautious of giving offence, and desirous of recommending themselves to their superiors by an obliging deportment, by obsequious attention, and by a studied expression of zeal and affection. The habits produced by such a situation are, doubtless, not very favourable to plain-dealing and sincerity, however, they may fit the possessor for the intercourse of the world, and render him expert in smoothing

the frowns or improving the smiles of fortune.

The national characters bestowed upon the inhabitants of different countries, must be received with large allowances for exaggeration and prejudice; though, as they proceed upon general observation, they have usually a foundation in truth. In this light we may view the character of the Scottish nation delineated by her English neighbours; and so far as the picture is genuine, it will, perhaps, be in some measure explained by the foregoing remarks.

The shrewdness, cunning, and selfishness, imputed to the people of Scotland, are merely the unfavourable aspect of that intelligence and sagacity by which they are distinguished above the mere mechanical drudges in the southern part of the island, and by which they are more able to discover their own interest, to extricate themselves from difficulties, and to act, upon every occurrence, with decision and prudence.

They are accused of not being over-scrupulous with respect to the dignity of those methods by which they endeavour to better their circumstances. It is to be feared that this ac-

cusation has no very peculiar application to the inhabitants of the north. If it has any real foundation, it must undoubtedly be imputed to the debasing effects of the old Scottish government, and to the long continuance of that poverty and dependence, from which the people, in our days, are but beginning to emerge.

The national spirit of Scotchmen has been much taken notice of; insomuch that they are supposed to be all in a confederacy to commend and extol one another. We may remark, that, as candidates, either for fame or profit, in the London market, they are greatly the minority; and it is not surprising, that in such a situation they should feel a common bond of union, like that of strangers in a hostile country*.

* It is said that the common people in Scotland never give a direct answer. This may proceed, no doubt, from habits of caution, concealment, and dissimulation; but it may also be derived from an habit of reflection, which leads them to discern not only what you directly inquire, but what farther information you may wish to obtain. "Pray, "friend, am I in the right road to such a place?" "What "place did you come from, Sir?" "What business have "you, friend, with the place I came from?" "None at

The deficiency of Scottish authors, in every department connected with wit and humour, has been universally admitted. This we may ascribe to the sly and cautious temper of the people, which is calculated to repress every exertion of mirth and pleasantry. It may also have proceeded, in some measure, from the difficulty they meet with in attaining such a command of the English language as must be requisite for the forcible and humorous delineation of ordinary life and manners*

"all, Sir; but I have as little with the place to which you "are going."

* A noted literary character has waggishly observed, in speaking of the learning of Scotland, "That every "one has a mouthful, but nobody a bellyful." The amount of this criticism seems to be, that instead of consuming their whole life by a vain endeavour to become adepts in two dead languages, they have divested themselves of a superstitious reverence for antiquity, and are content to cultivate each branch of knowledge so far only as they find it useful or agreeable. The mouthful of the Scot may be somewhat scanty, but it is fresh and wholesome food; to him the English bellyful seems *offal*.

CHAP. II.

Changes in the Political State of England from the Accession of the House of Stuart—The Advancement of Commerce and Manufactures—Institutions for National Defence—Different Effect of these in Britain, and upon the Neighbouring Continent.

THE accession of James the First to the English throne, while it gave rise to such remarkable changes in the state of his ancient hereditary dominions, became the source of great advantages, in common to both countries; from which, however, England, as the ruling power, derived the principal benefit. As far back as we can clearly trace the history of the two kingdoms, we find them engaged in a course of mutual depredation and hostilities, during which, indeed, England was commonly in the end victorious; though, at the same time, from her superior wealth,

she was usually the principal sufferer. Upon the Norman conquest, when England was involved in connections with the continent of Europe, her enemies were of course incited to cultivate the friendship of Scotland; and after the pretensions of the king of England to the sovereignty of France had produced a rooted animosity between the two countries, the monarchs of the latter became the constant allies of the Scottish princes. In this situation, Scotland was commonly the dupe of French politics; and was found a convenient instrument for creating a powerful diversion of the forces in the southern part of the island. The invasions of England by her Scottish neighbours, being thus directed and assisted by a foreign power, became in many cases alarming and formidable. In the reign of Elizabeth, France had an opportunity of retaliating the vexation and embarrassment she had felt from her ancient enemy, by supporting the claim of Mary, Queen of Scots, to the crown of England. The artful policy of the English queen, in order to counteract and disappoint the machinations practised against her, has been supposed by many to throw an indelible

stain upon her character; and even when regarded in the most favourable point of view, can be justified only by its necessity. The intrigues of this wise princess, the expence incurred by her on that account, the extreme vigour, not to say injustice, with which she treated her unfortunate rival, a measure which, she foresaw, was likely to draw upon her the public censure and resentment: all these are sufficient proofs of the danger to which she found herself exposed, and of the mischief which her dominions were liable to suffer through the medium of Scotland.

By the union of the two crowns in the person of James the First, England was completely delivered from every hazard of that nature. The two kingdoms, having the same sovereign, possessed of the power of declaring war and peace, were reduced under the same administration, and consequently destined for the future to live in perpetual amity. As their whole military force acted under one head, and against their common enemies, they were enabled to assume a superior rank in the scale of Europe; while the insular situation of Britain gave her little ground to apprehend

any foreign invasion, and little reason to interfere in the politics of the continent.

The peace and security which England derived from these favourable circumstances contributed to the encouragement of industry, and to the improvement of those commercial advantages which the peculiar situation of the country had bestowed upon her. After the accession of the house of Stuart, therefore, the advancement of trade and manufactures became still more conspicuous than it had been under the princes of the Tudor family; and its consequences, in diffusing opulence and independence, were proportionably more extensive. Towards the latter part of the reign of Elizabeth, the woollen manufacture, which, from the tyranny of Spain in the Netherlands, had been transported into England, gave employment to a number of industrious hands, and put in motion a correspondent amount of capital, which, upon the extension or variation of the demand for commodities, could easily be diverted into other channels. Various branches of manufacture sprung up, one after another; and found a market for their productions. The prosperity of inland

trade produced an inclination, as well as a capacity, for greater commercial enterprizes; and occasioned the formation of colonies in distant parts of the world. To promote such undertakings, the assistance of government was given to the private adventurers; and a number of trading companies, with various exclusive privileges, which at that time proved of general utility, were established.

By the progress of these improvements, a greater proportion of the inhabitants, instead of living as retainers or servants of the rich, became engaged in various mechanical employments, or in different branches of traffic, from which they could earn a livelihood without the necessity of courting the favour of their superiors. An artificer, whose labour is enhanced by the general demand for it, or a tradesman who sells his goods in a common market, considers himself as his own master. He says that he is obliged to his employers, or his customers; and he treats them with civility; but he does not feel himself greatly dependent upon them. His subsistence, and his profits, are derived not from one, but from a number of persons; he knows, besides, that

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their employment, or their custom, proceeds not commonly from personal favour, but from a regard to their own interest; and consequently that, while he serves them equally well, he has no reason to apprehend the decline of his business. Rising more and more to this independent situation, artificers and tradesmen were led by degrees to shake off their ancient slavish habits, to gratify their own inclinations or humours, and to indulge that love of liberty, so congenial to the mind of man, which nothing but imperious necessity is able to subdue.

The independence and the influence of this order of people was farther promoted by the circumstance of their being collected in towns, whence they derived an extreme facility in communicating their sentiments and opinions. In a populous city, not only the discoveries and knowledge, but the feelings and passions of each individual are quickly and readily propagated over the whole. If an injury is committed, if an act of oppression is complained of, it immediately spreads an alarm, becomes the subject of clamour and censure, and excites general indignation and resentment.

Every one roused by the example of those around him, loses the sense of his own danger in the ardour and impetuosity of his companions. Some bold and enterprizing leader acquires an ascendancy over their common movements; and while their first impressions are yet warm, finds no difficulty in uniting them to defend their privileges, or to demand redress for their wrongs.

While the tradesmen, manufacturers, and merchants of England, were thus rapidly increasing in number, and advancing to such comfortable situations, many individuals in those classes were, by successful industry in the more lucrative branches of trade, and by a rigid and persevering economy, the natural effect of their habits, enabled to acquire splendid fortunes, and to reflect a degree of lustre upon the profession to which they belonged. In this, as in all other cases, property became the source of consideration and respect; and, in proportion as the trading part of the nation became opulent, they obtained more weight in the community.

The progressive advancement to freedom and independence of the manufacturing and

mercantile people was followed, in the natural course of things, by that of the peasantry or farmers, the other great class of the commonalty. From the multiplication of the trading towns, and their increasing population and riches, the consumption of all the necessaries of life was promoted, and the market for every species of provisions proportionably extended. The price of every article produced by the land was therefore enhanced by a greater competition of purchasers; and the labour of those persons employed in agriculture was called forth and rewarded by an augmentation of profits; not to mention, that the activity and enterprizing genius of merchants, arising from their large capitals, their extensive dealings, and their mutual intercourse, were naturally communicated to the neighbouring farmers; who, from the limited nature of their undertakings, and from their dispersed and solitary residence, trusting to the slow experience and detached observations of each individual, were likely, independent of this additional excitement, to proceed with great caution and timidity, and therefore to advance very slowly in the knowledge of their

profession. In proportion to the general improvement of agriculture, it was expected that farmers should undertake more expensive operations in manuring and meliorating their grounds; and to encourage these undertakings, the master found it necessary to give them a reasonable prospect of indemnity, by securing them for an adequate length of time in the possession of their farms. By the extension of leases of land, which became more and more universal, the farmers of England not only were emancipated from their primitive dependence, but acquired a degree of rank and importance unknown in most other countries.

The same causes which exalted the common people, diminished the influence of the nobility, or of such as were born to great fortunes. The improvement of arts, the diffusion of all those accommodations which are the natural consequence of that improvement, were accompanied with a change of manners; the ancient plainness and simplicity giving place by degrees to a relish for pleasure and to a taste of luxury and refinement, which were productive of greater expence in all the articles of living. Men of high rank, who found

themselves, without any exertion of their own, possessed of great wealth, were not prompted by their situation to acquire habits either of industry or of economy. To live upon their estates, to pass their time in idleness, or to follow their amusement, was regarded as their birth-right. Gaining nothing, therefore, by their industry, and exposed by the growing luxury of the times to the daily temptation of increasing their expences, they were, of course, involved in difficulties, were obliged to devise expedients for raising money, and reduced to the necessity of purchasing an additional rent, by granting long leases, or even more permanent rights to their tenants. The ancient retainers, whom every feudal baron had been accustomed to maintain upon his estate for the purpose of defending him against all his enemies, were unavoidably dismissed; and the military services, which had been formerly exacted from the vassals, were converted into stated pecuniary payments. These conversions, indeed, were at the same time recommended from the change of manners and the alterations in the state of the country; as, by the suppression of private feuds among the

great lords, and the general establishment of peace and tranquillity, the maintenance of such retainers, on account of personal defence, had become superfluous.

The nobility, or great barons, were thus deprived of that armed force, and of that multitude of adherents and dependents by which they had formerly supported their authority and dignity. Many individuals among them, from the progress of dissipation and extravagance, were at length obliged, upon the failure of other resources, to contract debts, to mortgage, and to squander away their estates. The frugal and industrious merchant, who had acquired a fortune by trade, was enabled, in such a case, to purchase what the idle and extravagant proprietor found it necessary to sell. Property in land, originally the great source of influence, was in this manner transferred from the higher to the lower classes; the character of the trader and that of the landed gentleman were in some measure confounded; and the consideration and rank of the latter were, by a change of circumstances, communicated to the former.

These gradual changes in the state of the

country could not fail to affect the condition of the monarch, as well as the authority of parliament, and, in particular, the relative weight of the two houses.

The improvement of arts, and the progress of luxury and refinement, which increased the rate of living to every nobleman, or private gentleman, had necessarily the same effect upon that of the sovereign. The additional accommodations and pleasures, the various modes of elegance or ostentation, which the fashion of the times was daily introducing, occasioned a proportional addition to the expence requisite for supporting the king's household, and maintaining the dignity of the crown. The different officers and servants employed in all the branches of public business, finding their subsistence more expensive than formerly, required of course an augmentation of salaries or emoluments. From the advancement of society in civilization, from the greater accumulation of property in the hands of individuals, and from a correspondent extension of the connections and pursuits of mankind, a more complicated set of regulations became necessary for main-

taining good order and tranquillity; and the number of different officers and servants in the various departments of administration was unavoidably augmented. Upon all these accounts, the king, who found his ancient revenue more and more inadequate to his expences, was laid under greater difficulties in supporting the machine of government, and obliged more frequently to solicit the aid of parliament for obtaining additional supplies.

These effects of the increasing trade and opulence of the country had begun to be felt in the reign of Elizabeth; who, at the same time, from her peculiar situation, from the number and power of her enemies, and from the intricate and artful policy to which she resorted in order to frustrate their designs, was involved in extraordinary expences. Wishing, however, to preserve her popularity, and having probably little regard to her apparent successor; she was willing to alienate the crown-lands, rather than impose new burdens upon her subjects; insomuch that, upon the accession of James, when the state of the monarchy demanded an augmentation of revenue, the ancient patrimony of the crown had been

greatly reduced. From particular accidents, therefore, as well as from the operation of general causes, there was opened at this period a new source of influence, tending, in some degree, to reverse the former channels of authority, and to render the monarch dependent upon the national council. As the king had no ordinary funds for the execution of any important measure, either house of parliament, by withholding its assent to the taxes proposed, might with the utmost facility arrest his most favourite enterprizes, and even put a stop to all the movements of administration.

It is manifest, however, that the circumstances which had thus contributed to extend the authority of parliament, must have tended in a peculiar manner to exalt the house of commons. In consequence of the growing wealth and independence of the people, the house of commons, composed of the representatives of the people, rose to superior eminence, and assumed more extensive privileges. Its dignity and power were, at the same time, promoted by the king, who, in the long continued struggle with the nobles, had endeavoured to undermine their influence by exalting the lower orders of

the community. For this purpose the interest of the crown had been employed in bringing the knights of shires into parliament, in separating them from the great barons, and uniting them in one house with the burgesses. With the same view the kings of England, more especially those of the Tudor family, not only encouraged the frequent meetings of parliament, but promoted the interference of the house of commons in all the branches of parliamentary business, and connived at those forms of proceeding by which it acquired the exclusive right of introducing all bills intended to impose any tax or pecuniary burden upon the people. Wherever the monarch was afraid of hazarding the direct exertion of his prerogative, he had commonly recourse to the lower house of parliament, of whose aid, in opposing the nobility, he seldom had any reason to doubt.

But the time was now come when this union of interest between the crown and the house of commons could no longer subsist. The inferior ranks having attained a certain pitch of independence, had no longer occasion for the protection of the sovereign; while the nobi-

lity, fallen from their ancient power and grandeur, had ceased to be the objects of terror. The commons were now in a condition to defend those privileges which they had invariably exercised, and which immemorial custom had sanctioned. They represented by far the greatest part of the landed property, and almost the whole personal wealth of the kingdom; and in their measures for promoting their own interest and that of their constituents, they were likely to be supported by the great body of the people. Their apprehension and jealousy, instead of being excited by the peers, was now more properly directed to the monarch, whose power had of late become so exorbitant, and of whom the peers, no longer the rivals, were become, a great part of them, the dependents and subordinate agents.

In the reign of queen Elizabeth this independent spirit of the commons had begun to appear: but, from the accession of James the First, becoming much more conspicuous, it was productive of uniform and repeated exertions for limiting the encroachments of the prerogative, and for maintaining and extending the popular part of the constitution.

Of all the innovations arising from the progress of the arts, and the advancement of civilized manners, that which related to the national defence was the most remarkable. The dismission of the ancient retainers belonging to the proprietors of land, and the employment of a great proportion of the lower people in arts and manufactures, made it no longer possible, in those emergencies when a military force was required, to call out the feudal militia into the field. The vassals of the crown, therefore, unable to fulfil the engagements implied in their original tenures, were obliged, in place of military service, to offer a pecuniary composition, from which a general contribution or tax was at length introduced; and with the money collected in this manner, the king, upon whom was devolved the care of defending the country, was put in a condition to hire soldiers for the purpose. This alteration in the system of national defence, which began upon the dawn of improvement in the kingdom, was gradually making advances till the reign of James the First, when the attendance of the vassals was totally relinquished; and the

armies levied for the future came to be composed entirely of mercenaries.

The introduction of mercenary forces was, in different respects, attended with very different, and even opposite consequences. It occasioned an immense addition to the former expences of government; and, in proportion, rendered the king more dependent upon that power which had the disposal of the public money. As he could execute no enterprize of importance without obtaining from parliament an adequate supply, he was under the necessity of procuring the concurrence of that assembly in almost all his measures; and when money was wanted, he could seldom find a decent pretence for refusing a redress of grievances, or any other compliance which either house might require as the condition of the grant. The house of commons, in which it was understood that all money-bills must originate, stood forward on such occasions, and availed itself of this privilege for guarding those avenues of the constitution which the inexperience or negligence of the former times had left open to the attacks of the crown.

The changes in the military system had, in

another view, a tendency to aggrandize the monarch. An army levied and maintained by the crown, separated by their employment from the rest of the community, and alienated from the interest and pursuits of their fellow-citizens, deriving not only their present subsistence, but all their hopes of preferment from the sovereign, accustomed to obey his orders, and, by the peculiar spirit of their profession, taught to place their punctilio of honour and duty in the implicit strictness of that obedience: a body of men so circumstanced became a powerful instrument in the hands of a master, ready to be moved at pleasure in the execution of his designs. The employment of mercenary troops, in place of the ancient feudal militia, had thus a tendency to exalt the crown in two different ways. In the first place, by affording a beneficial and reputable profession to a multitude of people, it held up to a great proportion of the inhabitants, in particular to the nobility and gentry, who consider themselves as excluded from many other professions, the prospect of attaining a provision, and even rank and distinction, to themselves and their families. It instilled into

all these persons the habit of looking invariably to the sovereign as the dispenser of those advantages, and consequently disposed them to adhere to his party in all political disputes, and to distinguish themselves by their exertions in support of the prerogative.

But, secondly, this new system of national defence furnished the king with an armed force, which he might commonly govern at his discretion, and which, therefore, if raised to a certain magnitude, might be capable of bearing down and crushing all resistance or opposition to his will. The introduction of mercenaries, which, from similar causes, took place over a great part of Europe, was the more likely to be attended with this fatal consequence; because, in the natural course of things, they were soon converted into regular standing armies. When a body of troops had been enlisted, and properly disciplined for war, it was thought a prudent measure to retain, if not the whole, at least a part of them even in time of peace, that the country might not be left totally defenceless; and that, with the assistance of those veterans, the new levies might the sooner be fitted for service. The farther the

improvements of military discipline had been pushed; the more difficult it became, from the progress of trade, to recruit the army upon any sudden emergency; and the more that princes, from their situation, found an interest in being constantly prepared for war: the number of standing forces, in particular countries, was increased; the trade of a soldier was more separated from every other, and rendered more permanent; and the great body of the people, unarmed and unwarlike, were consequently reduced under the power of that formidable class who had come to be constantly and exclusively paid for fighting.

In England, therefore, as well as in the other European countries which had made considerable progress in arts and manufactures, we may discover the operation of two principles which had an opposite political tendency; the independence and opulence acquired by the lower classes of the people, which tended to produce a popular government; and the introduction of mercenary armies for the purpose of national defence, which contributed to extend and support the power of the crown. This gave rise, unavoidably, to a contest be-

tween the king and the people; while the former was endeavouring to extend his prerogative, and the latter to maintain or augment their privileges. In tracing the commencement and progress of this contest, which forms an interesting and critical period in the history of those countries, it will be found that the success of either party has frequently depended upon peculiar and accidental circumstances*.

In most of the countries of Europe, the practice of hiring troops was begun at an earlier period than in England, and was pushed to a much greater extent. The kingdoms upon the continent were greatly exposed to the attacks of neighbouring powers; and in those disorderly times, when every ambitious prince aimed at foreign conquest, were obliged to be constantly in a posture of defence; so that when the vassals of the crown began to decline the military service, there was an absolute necessity to surmount every difficulty in procuring a great body of mercenaries. Thus, before the spirit of liberty had risen to a high pitch,

* This point I had formerly occasion to consider in a treatise upon "The Origin of the Distinction of Ranks."

the king had obtained an army devoted to his interest, and easily diverted from its original destination, to that of supporting and enlarging his power.

We accordingly find, that, upon the continent of Europe, the disuse of the feudal militia, and the formation of mercenary armies, enabled the sovereign, in most cases, to establish a despotical government. This happened in France during the reign of Louis the Thirteenth, and in Spain during that of Philip the Second. In Germany, indeed, the independence of the different states of the empire had, long before this period, been settled upon so firm a basis, that every attempt of the crown to reduce them to subjection proved ineffectual. But the vigorous efforts which were made for this purpose by the emperor Ferdinand the Second, sufficiently demonstrate that the new system of military arrangements, introduced about this time by the monarch, had the same tendency here as in the other European kingdoms.

The circumstances of Britain, however, at this critical period, were a good deal different from those of the countries upon the neigh-

bouring continent. By the union of the crowns of England and Scotland, an entire stop was put to the inroads and hostilities between the two countries; which, at the same time, from their insular situation, were little exposed to the attacks of any foreign potentate. When the vassals of the crown, therefore, had withdrawn their ancient military service, there was no immediate necessity for employing any considerable body of mercenary soldiers. The defence of the country was devolved, in a great measure upon its navy; which, without much difficulty, could be rendered fully sufficient for the purpose. By the maritime situation, and the commercial improvements of Britain, a great part of its inhabitants, becoming acquainted with the navigation and the arts depending upon it, formed a body of sailors capable of manning such fleets as might be necessary to repel any foreign invasion, and requiring little additional discipline or instruction to fit them for that species of military service.

The sea and the land forces may, both of them, no doubt, be properly ranked in the class of mercenaries; yet, when we consider

their tendency to support the authority of the crown, they must be viewed in a different light. The soldiers of a land army have usually no other employment, or at least none which, upon being disbanded, they can exercise with equal advantage. But the sailors of the royal navy are usually drawn, and often dragged by force, from the merchant service; to which, being less hazardous, and commonly more lucrative, a great part of them are desirous of returning. The officers, indeed, in the sea and in the land service, are nearly in the same situation, depending entirely upon the crown for their professional advancement; and having no other employment from which they can expect either distinction or emolument. But the great body of the sailors, in the pay of government, are somewhat in the condition of common mechanics; deriving subsistence from their labour and skill; and secure, that whenever they shall be dismissed from their present service, their proficiency in a collateral branch will afford them a comfortable livelihood.

Though sea-faring people, by being peculiarly distinguished from the rest of the com-

munity, are usually animated with an uncommon degree of the *esprit du corps*, they are not fitted, either by their situation or dispositions, to act as the tools of a court in supporting the encroachments of the prerogative. From their precarious way of life, exposing them to great and unexpected vicissitudes; exempting them at some times from all care for their own provision, and at others producing such affluence as tempts them to extraordinary dissipation, they become thoughtless about futurity, and little impressed by motives of interest. Their disinterested character, joined to their want of reflection, and habitual contempt of danger, creates a spirit of independence bordering upon licentiousness, from which they are with difficulty recalled to the obedience and submission consistent with their duty. The fleets in the service of the crown are, besides, at too great a distance, and their operations of too peculiar a nature, to admit of their being employed occasionally in quelling insurrections at home, or in checking the efforts of the people to maintain their privileges. They are confined to a different element.

From these observations it will not appear surprising that the fate of the English government was different from that of most of the other feudal governments upon the continent. At the period when the commons had imbibed a higher spirit of liberty, and acquired an increase of power and influence from the increasing opulence and independence of the people, the sovereign was not provided with an army sufficient to maintain his pretensions. James the First, and Charles the First, appear to have embraced the same political principles with most of the other princes of Europe. They saw the absolute power of the crown exercised in the neighbouring kingdoms, and were not willing to be left behind by their neighbours. But the secure and peaceable state of their dominions afforded no plausible pretence for the imposition of such taxes as would have been requisite for keeping on foot a great body of mercenary troops; and parliament, alarmed at the unusual demands of money, upon the part of the crown, became proportionably circumspect in granting even the most moderate supplies. To accomplish their purpose, those monarchs, in the

extreme perplexity arising from their circumstances, were induced to practise a variety of shifts, and to carry on a train of dissimulation very unbecoming their station; but having no sufficient military force to support their claims, they were laid under the necessity of making such concessions. and of permitting the erection of such barriers against oppression, as the awakened suspicion and jealousy of the nation thought indispensable for securing the ancient constitution, and restraining the future abuses of the prerogative.

The ocean with which Britain is encompassed, had thus, at two different periods, a powerful and happy influence upon the course of the English government. During the highest exaltation of the feudal monarchy in modern Europe, the safety which England derived from its insular situation, and its remote connection with the disputes and quarrels upon the continent, gave the sovereign, as was observed upon the early part of our History, few opportunities of acting as the general of the national forces; and, consequently, of acquiring the popularity and authority which result from that eminent station. As the great feu-

dal superior in the kingdom, he became, therefore, less absolute than the sovereign in any of the great nations upon the continent. When, in a later age, the improvements of commerce and manufactures dried up the ancient sources of the feudal dominion, and turned the course of authority into different channels, the same line of separation between Britain and the neighbouring countries withheld, from the sovereign of the former, that new system of military arrangement which was then introduced into the latter, and which in them became the great instrument of despotism. The *feudal king* of England saw no other path to greatness than by undermining the aristocracy; and was willing to barter the exaltation of the lower, for the depression of the higher classes. Her *commercial sovereign* found that he was unable to set bounds to those liberties, which his predecessors had endeavoured to promote, and was thence induced, though with infinite reluctance, to compound the disputes with his people, and to relinquish a part of his prerogative in order to retain the rest.

CHAP. III.

In what Manner the Political System was affected by the State of Religious Opinions.

IN those European countries which embraced the doctrines of the reformation, religious disputes continued for some time to agitate the minds of men; and the different sects which became prevalent, or obtained consideration, were allied with different parties in the state. The latter, in such cases, derived a prodigious advantage from the former, being supported by that zeal which religion is wont to inspire, and by that animosity which is often the bitter fruit of religious contention.

With those who endeavoured to pull down the fabric of superstition and ecclesiastical tyranny, erected in the dark ages, it was one of the first objects to withdraw that exorbitant power which the Roman pontiff, as the head of the western church, had found the means of usurping. It required but little reflection to

discover the inconvenience and absurdity of a foreign prince being permitted to obtain the superintendence and government of religion, in a country whose interest was not only different, but frequently opposite to that of his own dominions; that he should be allowed to interfere in the distribution of justice, as well as in the disposal of the most lucrative offices; and that he should exercise these privileges without limitation or controul, and by virtue of an authority paramount and superior to that of the civil magistrate. In England, the private controversy in which Henry the Eighth was engaged with the court of Rome, led him to view this point in a strong light; and the delivery of himself and his kingdom from the dominion of the holy see, together with the gratification of his avarice, by acquiring possession of the monastic revenues, may be regarded as the sole purpose for which he prosecuted the reformation. So great was the authority possessed by this monarch, and so much afraid was either religious party of pushing him to extremities, that the new system came, in a great measure, to be modelled by his direction; and, upon this account, it retained a

greater affinity to the ancient establishment than could otherwise have been expected. The papal supremacy was not extinguished, but only transferred to the king; and in other respects, the hierarchy suffered no material variation.

This plan of church government, which Henry had laboured with all his might to establish, was far from being disagreeable to the temper of Elizabeth; and though not perfectly suitable to the inclination of all that part of her subjects who favoured the reformation, yet, being patronised by the sovereign, and having obtained the sanction of two preceding reigns, it was considered as the system most likely to prevail over the ancient establishment, and was therefore admitted without opposition by every denomination of protestants.

Two great religious parties, at this time, divided the whole nation; the Protestants and the Roman Catholics: the former, who, by undaunted resolution and fortitude, and with various success encountering severe trials and bloody persecutions, had at length obtained a decided superiority: the latter, who, though defeated, were not broken; and who, though

they had quitted the open field, were still powerful in number, connections, and resources, and were only lying in wait for the first favourable opportunity to retrieve their fortune. These two parties were animated by mutual hatred and resentments. The oppression to which the Protestants had been subjected, and the barbarities which at the instigation of the church, they had suffered from the secular arm, were still fresh in their memory; while they dreaded the machinations of a party, with whose unrelenting dispositions they were well acquainted, and whose activity and power, seconded by the papal influence and authority over a great part of Europe, were still very formidable. The Roman Catholics, on the other hand, could not easily forget the mortifying degradation which they had suffered; the complete overthrow of their faith and worship; the loss of their splendid and lucrative establishment; the insolence and contempt of heretics, irritated by former bad usage; and the hardships which they had reason to expect from adversaries, now triumphant, and supported by the civil magistrate.

After the accession of the house of Stuart, when the terror of popery began to subside, the subordinate distinctions among Protestants were brought more into notice, and their chief differences of opinion gave rise to different sects. According as the terms of the established religion had been limited and circumscribed by the influence of the crown, the sectaries became numerous and powerful. The tide of religious faith and worship, being turned from its natural course, and forced into an artificial channel, was the more likely to overflow its banks, and to find a passage in various collateral streams and currents.

The presbyterians, who had gained the ascendancy in Scotland, were in England, about this period, the most numerous body of sectaries. Their system appears to have arisen from a natural progression of the same views and opinions by which the religious reformation had been originally suggested. They proposed to correct the abuses of the Roman Catholic church, and to guard against the undue influence and domination of the clergy, by the abolition of ecclesiastical dignities, by establishing a perfect parity among churchmen,

by restricting them to very moderate livings; and by rejecting that pomp and pageantry of worship which is manifestly calculated to promote superstition, and to create in the people a blind veneration for their spiritual directors.

While the presbyterians disapproved of the ancient hierarchy, there arose another great sect, who considered all ecclesiastical establishments as incompatible with religious freedom. To this description of religionists, the interference of government in favour of any one sect, by maintaining its clergy at the public expence, appeared a kind of persecution of every other, and an encroachment upon the rights of private judgment. As every man employs and pays his own physician or lawyer, it seemed to them equally proper and expedient that every one should be left to choose his own religious instructor, and to bestow upon him such a reward for his labour as might be settled by an agreement between them. In this manner the clergy, it was thought, instead of acquiring an undue influence over the people, would become dependent upon them; and, like men in other professions, prompted to exertion by a regard to their own interest, would commonly be successful in

proportion to their abilities and good behaviour. The different modes of faith, as well as the forms of public worship, would thus be placed upon an equal and liberal footing; and the community at large being freed, in matters of religion, from the bias either of interest or of authority, would be encouraged to follow the dictates of reason and conscience. The political advantages of such a regulation were supposed to be not less conspicuous. By the simple expedient of leaving the people at liberty to conduct their own religious concerns, the charge of levying taxes, or providing any permanent fund for the support of the national religion, together with the hardship of obliging any part of the inhabitants to pay for maintaining the clergy of a different communion; not to mention the loss that must be sustained, in that case, if the established pastors are deserted by their flock, and remain an useless load upon the public; all these inconveniences would be entirely avoided.

Such was the general system of the *independents;* which, by a natural progress of reasoning, seems to have grown up from that of the presbyterians, as the latter was an obvious

extension of the doctrines embraced by those primitive reformers who continued the hierarchy. The Christian religion had been reduced into a monopoly, under the authority of a governor, with extensive territories and numerous forts commanded by regular officers to defend the trade and prevent interlopers. For correcting the evils which had arisen from such an oppressive establishment, the first remedy went no farther than to cashier the governor, to dismiss a number of useless and expensive servants, and to cut off a multitude of pernicious exclusive privileges. To demolish the forts, to disband their opulent and powerful commanding officers, and to strip the corporation of its overgrown territorial possessions, appeared, upon further experience and reflection, an additional improvement. To dissolve the company altogether, and to lay the trade entirely open, was at length suggested as the most effectual means for promoting laudable industry, for discouraging unfair practices, and for communicating an equal benefit to a whole people.

These four religious parties, the Roman Catholic, the Church of England, the Presby-

terian, the Independent, which comprehended nearly the whole nation, were led to embrace different political systems, and became allied to different parties in the State. The two first, in a political view, exhibited characters diametrically opposite to those of the two last; and though differing in some respects from each other, their leading features were similar.

The Roman catholic religion may be regarded as a deep-laid system of superstition, which took a firmer hold of the human mind than any other that has appeared in the world. It was founded upon a more complicated and rational theology than the rude systems of a former period; and gave rise to a multiplicity of interesting opinions and tenets, which exercised and frequently perplexed the pious believer, so as to lay him under the necessity of resorting to the aid of a religious instructor for the regulation and direction of his faith. It represented the Deity as an omnipotent, but an austere and vindictive being, capable of anger and resentment against those who transgress his laws, and intending this world, not for the present comfort and satisfaction of his

creatures, but as a place of preparation for a future state of eternal happiness or misery. As all men must be conscious of great weakness and frailty, of not only deviating from the standard of perfect virtue, but of being frequently stained with numberless vices, and even atrocious crimes, which excite self-condemnation and remorse, they could not fail, upon conceiving themselves in the all-seeing eye of this impartial and severe Judge, to be covered with shame and confusion, and overwhelmed with consternation and terror. Under the impression of these feelings, it was natural that they should endeavour to procure consolation from the intercourse of some ghostly father whom they should call upon to supplicate the offended Deity in their behalf, and whose advice and direction they should eagerly solicit in attempting to atone for their transgressions, by submitting to voluntary penances or mortifications, and by every expression or demonstration of humility and abasement, of sorrow and repentance. These dispositions and circumstances of the people had produced a clergy, opulent and powerful beyond example, who had laboured to promote and regulate

that superstition which was the original foundation of their authority; and who, in their advancement to riches and dominion, had, like the officers of a regular army, fallen into a subordination of power and rank. The doctrines and the practical conduct inculcated by this clergy, were such as might contribute most effectually to their own aggrandizement. The people were taught to believe in mysteries which their pastors alone pretended to explain, to approach and worship the Supreme Being by superstitious rites and ceremonies, in which the clergy presided, to discover to their spiritual instructor all their secret thoughts and actions, and, upon submitting to the discipline prescribed by the church in such cases, to receive from him absolution and pardon for their sins. In a word, the clergy were understood to have in their possession the keys of heaven; in consequence of which, the treasures of the earth, and the hearts of mankind, were laid open to them.

In the exercise and extension of their power, they were supported, not only by their ecclesiastical leader, the Roman pontiff, but also by their temporal sovereign, who, though on some

occasions he might quarrel with them for their encroachments upon his prerogative, had commonly an interest to promote their influence over the people; as they, on the other hand, from his having a great share in the disposal of their livings, were induced to employ that influence in promoting and maintaining his authority. Thus, between the great power of the crown and that of the church, both of which were the offspring of ignorance and prejudice, there arose a sort of family compact, which being consolidated by length of time and by mutual habits, proved no less advantageous to either party than it was inimical to the interest of the whole community.

Of all the systems of religion established at the time of the reformation, the church of England approached the nearest to that Roman Catholic stock upon which it was engrafted. It rejected, indeed, many absurd opinions adopted by the church of Rome, and, from the greater diffusion of knowledge, it acquired a more limited influence over the minds of the people. But so far as its authority extended, its character and tendency were the same. Though its features were a little softened, it

presented the same aspect of superstition, the same pomp and parade of worship, the same dignitaries invested with jurisdiction and authority, the same opulence and splendour in the higher clergy, which tended to procure them consideration and respect, the same train of subordination in the ranks and orders of churchmen, which united them in one compact body, and enabled them, in promoting their common interest, to act with unanimity and vigour.

The constitution of the church of England had even a stronger tendency than that of Rome to render its clergy devoted to the interest of the crown. They were more uniformly dependent upon the sovereign, who, by the annihilation of the papal supremacy, became, without a rival, the acknowledged head of the church, and obtained the entire disposal of the higher ecclesiastical dignities.

The presbyterian and independent systems were of a different spirit and complexion. The adherents of the former, in correcting the errors and abuses of the church of Rome, had acquired a degree of ardour and enthusiasm, which led them, in their acts of pub-

lic worship, to reject with indignation all forms and ceremonious observances, and to consider their approaches to the Deity, by prayer and supplication, as a mere sentimental intercourse, calculated to demonstrate and improve those feelings of the heart which were due to their Creator. They regarded the functions of a clergyman, therefore, as of no further importance than to preserve good order in the public exercise of religious worship, to inspect the behaviour of the people under his care, and to instruct them in the great duties of morality and religion. It was consistent with this moderate and rational estimation of the clerical character, that the clergy should be moderately provided in livings, that they should not be exalted one above another by any scale of dignities or jurisdiction, and that their authority, upon the whole, should be inconsiderable. By their activity, indeed, and by their attention to the duties of their profession, they were capable of gaining great influence and respect; but in order to do this, it was necessary that they should recommend themselves to the people rather than cultivate the patronage of men in power. They

could, therefore, be of little service to the sovereign in supporting his prerogative, and, of consequence, had little to expect from his favour. On the contrary, as their interest and habits connected them with the populace, they entered with alacrity into the popular feelings and views, beheld with jealousy and apprehension the lofty pretensions of the crown, and sounded throughout the kingdom the alarm of regal usurpation.

As the system of the independents proceeded a step further than that of the presbyterians, by declaring against all ecclesiastical establishments, and rendering the provision of every religious instructor perfectly precarious, their clergy becoming still more dependent upon their employers, were proportionably more interested in courting popular favour, and in struggling for the extension of popular privileges.

The presbyterians, as they approved of a permanent clergy, appointed and paid by the public, and possessed of a certain jurisdiction, so, in their political system, they had no aversion to a hereditary monarch, invested with permanent civil powers, and superintending all the

ordinary branches of executive government. But the independents, who held that the appointment of the clergy should be left to the discretion of those who thought proper to employ them, were led, in consistency with this doctrine, to maintain that every civil officer, whether supreme or subordinate, should likewise be elected by the community. The presbyterians, therefore, were the friends of limited monarchy. The independents preferred a democratical constitution. The connection, however, between these religious and civil plans of government, though sufficiently obvious, was not acknowledged, nor perhaps discovered all at once; but was gradually developed and brought to light, during the course of the long contest between the king and the commons. For some time after the establishment of the reformation, the Roman Catholics continued to be the object of hatred and resentment to all denominations of protestants; but their disposition to support the prerogative did not escape the two first princes of the house of Stuart, who secretly favoured their interest, as much as they hated the presbyterians and independents. Upon pretence of lenity to tender

consciences, these two princes assumed the power of dispensing with the penal statutes against *non-conformists;* but the real purpose of those dispensations was apparent to all, and the nation felt equal alarm and indignation from considering those exertions of the prerogative as no less direct and palpable violations of the constitution, than they were decided marks of predilection for a party, the apprehension of whose return into power still continued to fill the nation with terror.

Of the two succeeding monarchs, Charles the Second, it is now known, was a concealed, as his brother, James the Second, was an avowed and bigoted Roman Catholic. The constant favour shewn by the four princes of the house of Stuart to the people of this persuasion, could not fail to procure for them returns of gratitude and affection, and to render them zealous defenders of the prerogative; as, on the other hand, the dislike which those princes invariably manifested to the presbyterians and independents, contributed to strengthen the political bias acquired by those dissenters, and to confirm the original principles by which they were attached to the popular cause.

But although the different religious parties in England were thus disposed to embrace those opposite political systems, their natural dispositions, in this respect, were sometimes warped and counteracted by peculiar circumstances. For some time after the accession of the house of Stuart, the terror of the restoration of popery, which had been inspired into every description of protestants, produced an extreme jealousy of the king, on account of his marked and uniform partiality to the Roman Catholics; and united the church of England with the dissenters in opposing the designs of the crown. This was visible through the whole reign of James the First, and a considerable part of the reign of Charles the First, during which the nation, exclusive of the Roman Catholics, and a few interested courtiers, acted with wonderful unanimity in restraining the encroachments of the prerogative.

To form a proper notion of the effects arising from this union, we must consider the state of religious differences in those times. How inconsistent soever it may seem with the genuine principles of religious reformation, the primitive reformers, of every denomination,

were no less destitute than the Roman Catholics, of that liberality of sentiment which teaches men to indulge their neighbours in the same freedom of opinion which they claim to themselves. They were, all of them, so highly impregnated with a spirit of bigotry and fanaticism as to regard any remarkable deviation from their own tenets in the light of a damnable error, which ought, by every possible means, to be corrected or suppressed; and for the attainment of this object, they were easily excited to brave every danger, and to submit to any inconvenience or hardship. Their interference, therefore, was always formidable to the civil power, and became frequently the chief cause of revolutions in government. At a subsequent period, the harshness and asperity attending the first exuberant growth of religious differences, have been gradually mellowed and softened in their progress to maturity; and the prejudices contracted in the dawn of philosophy, have been dissipated by the fuller light of science and literature, and by that cool and dispassionate inquiry which is the natural fruit of leisure, tranquillity and affluence. It may, perhaps, be considered as the strongest proof of

those intellectual improvements which mankind have attained in the present age, that we have beheld the most astonishing political changes, to which religion has in no respect contributed, and which have been regarded by the ministers of the altar in no other light but that of pecuniary interest.

In the latter part of the reign of Charles the First, the disputes between the king and the commons began to assume a different aspect. The apprehensions which were so long entertained of the Romish religion, had then, in a good measure, subsided; and the public attention was engrossed by the arbitrary measures of the crown, which produced a very general opinion, that certain precautions were necessary for guarding against the future encroachments of the prerogative. Here the church of England appeared to follow her natural propensity, and her clergy almost universally deserted the popular standard. The presbyterians and the independents, on the other hand, stood forward as the supporters of the national privileges; and while they became powerful auxiliaries to the cause of liberty, they derived a great acces-

sion of strength and reputation from the general tide of political opinions.

Of those two sects, the presbyterians were, for some time, the most powerful, and by their exertions, in conformity to their views of government, many regulations, calculated for securing a limited monarchy, were successively introduced. But the progress of the contest, by holding the minds of men in continual agitation, contributed to push the people to greater extremities, both in religion and politics; in religion, by overthrowing all religious establishments; and in politics, by the entire abolition of regal authority. Such was the aim of the independents, who at length became the ruling party, but who, falling under the direction of an extraordinary genius, utterly devoid of all principle, were made, in his hands, an instrument for the destruction of the monarchy, for the purpose of introducing an odious species of despotism. Had Cromwell possessed less enterprize and abilities, the crown would have been preserved: had his ambition been better directed, England, which under his authority assumed the name of a commonwealth, might

have, in reality, obtained a popular government.

The restoration of Charles the Second, gave rise to new religious combinations. The church of England, having now recovered her former establishment, could not fail to entertain a violent jealousy of those dissenters by whom her power had been overturned; and she was led, of course, to co-operate with the Roman Catholics, in promoting the arbitrary designs of the monarch. The cry of *church and king*, and the alarm, that *the church was in danger*, were now sounded throughout the nation, and were employed on every critical emergency, to discredit all endeavours for securing the rights of the people.

The barefaced attempt of the infatuated James the Second, to re-establish the Roman Catholic religion in England, tended once more to break down these arrangements, and to produce a concert, between the leading men in the church and the Protestant dissenters, for the purpose of resisting the unconstitutional measures of the king. As this concert, however, had arisen from the imme-

diate fear of popery, it remained no longer than while that fear was kept alive; and accordingly the revolution in 1688 was hardly completed, before these loyal ecclesiastics began to disclaim the part they had acted, and returned with fresh ardour to their congenial doctrines of passive obedience and non-resistance.

CHAP. IV.

Progress of the Disputes between the King and Parliament, during the Reigns of James the First, and of Charles the First.

THE long contest between the king and parliament, under the two first princes of the Stewart family, forms a very interesting part of the English history; and its origin and consequences deserve the most attentive examination. The object in dispute was no less than to determine and establish the political constitution of a great nation; and the agitation produced by so important a controversy could not fail to rouse the passions of men, to call forth and display their most eminent characters, and to develope those combinations and occurrences which tended to facilitate or to obstruct the improvement of civil society. We are not, however, to imagine that, from the beginning to the end of this contest, the same line of conduct was invariably pursued

by either of the parties. They were sometimes actuated by the feelings of the moment; changed their ground, according to the alteration of times and circumstances; and varied their measures, according to the character and views of those individuals by whom they were occasionally directed. To distinguish the most remarkable of these variations, the whole period under consideration may be divided into three branches: the first extending from the accession of James to the meeting of the long parliament, as it is called, in the year 1640; the second, from the meeting of the long parlament to the commencement of the civil war; the third, from thence to the death of Charles the First.

SECTION I.

THE REIGN OF JAMES THE FIRST; AND THAT OF CHARLES THE FIRST, FROM HIS ACCESSION TO THE MEETING OF THE LONG PARLIAMENT.

THE behaviour of James the First, after he obtained the crown of England, might seem surprising to those who remembered his former circumstances, and who beheld the sudden and remarkable change of his fortune. Born and brought up amid civil dissentions; surrounded by nobles, many of whom possessed a power little inferior to his own; exposed to numerous plots, by which his life was endangered, or which tended to lay a restraint upon his person, and under his name, to convey the exercise of government to his rebellious subjects; in such a situation he received his political education, and his early habits were formed. But no sooner was he

seated upon the English throne, than he began to hold a language, and to discover pretensions, that would have suited the most absolute monarch upon the face of the globe. There is, however, in reality, nothing uncommon or singular in this appearance. None are so likely to abuse their power as those who have recently obtained it; none so apt to be guilty of extravagant profusion, as those who have suddenly been raised from poverty to great riches; whether it be, that they are intoxicated by the novelty of their situation; or, from a consciousness of their former inferiority, are jealous, lest they should not appear with sufficient dignity in their new station.

Though, in his private deportment, James had no tincture of arrogance, or superciliousness, he set no bounds to his authority as a king. He found that the aristocracy, by which he had been so much harassed in Scotland, was reduced in England from a state of rivalship to that of subordination and dependence; but he overlooked the influence and rank which had at the same time been acquired by the great body of the people.

He saw that the sovereigns in the principal European kingdoms, exercised an arbitrary and despotical power; and, without examining the means by which it had been acquired, or the circumstances by which it was maintained, he seems to have thought that, from the extent and opulence of his own dominions, he was entitled to follow their example. In public, as well as in private, in his letters and speeches to parliament, and in his ordinary conversation, the divine, hereditary, indefeasible right of kings to govern their subjects without controul, was always a favourite topic. This was the fundamental principle of that *kingcraft*, to which, as he frequently declared, he had served so long an apprenticeship, and which therefore he pretended fully to understand. That his prerogative was absolute and unlimited; that the concurrence of parliament was not necessary in any of the acts of government; and that all the privileges of the people, were mere voluntary concessions made by his ancestors, which he might revoke at pleasure; these were propositions which he not only maintained,

but which he would not suffer to be questioned. "As to dispute," says he, "what "God may do, is blasphemy; so it is sedi- "tion to dispute what a king may do in the "height of his power." Even the judges, when called upon, in the execution of their duty, to decide between the king and the people, were prohibited from canvassing the rights of the crown. "Deal not," says his majesty, "in difficult questions, before you "consult with the king and council, for fear "of wounding the king through the sides of "a private person. The absolute preroga- "tive of the crown is no subject for the "tongue of a lawyer, nor is it lawful to be "disputed*."

We may easily suppose, that the same principles and doctrines which were thus openly avowed by the sovereign, were propagated at court, and embraced by all who wished to procure the royal favour and patronage. "When Waller, the poet, was young, he had "the curiosity to go to court; and he stood

* King James's Works.

"in the circle and saw James dine; where, "among other company, there sat at table "two bishops, Neile and Andrews. The king "proposed aloud this question, whether he "might not take his subjects' money, when "he needed it, without all this formality of "parliament? Neile replied, *God forbid you "should not; for you are the breath of our "nostrils.* Andrews declined answering, and "said he was not skilled in parliamentary "cases; but upon the king's urging him, and "saying he would admit of no evasion, the "bishop replied pleasantly; why then I think "your majesty may lawfully take my brother "Neile's money, for he offers it*."

That writers were easily found to inculcate similar doctrines, cannot be doubted. In the books published by Cowel and Blackwood, it was roundly asserted, that from the Norman conquest, the English government had been an absolute monarchy; that the king was not bound by the laws, or by his coronation oath; and that, independent of parliament, he pos-

sessed the power of legislation, and that of imposing taxes.

Widely different from this was the idea of the constitution entertained by the house of commons. They considered it as a mixed form of government, in which the king was merely the chief executive officer, and in which the legislative power, together with that of taxation, was vested in parliament. So far from admitting the king to be above the laws, or his being entitled to change the form of government at pleasure, they looked upon him as only the guardian and protector of the constitution; placed in that high station, not for his own benefit, but in order to promote the happiness and prosperity of his people. They well knew, that at no period of the English history was the sovereign ever possessed of an unlimited authority; that, in the latter part of the Anglo-Saxon government, and under the princes of the Norman and Plantagenet race, the chief power was in the hands of the nobility, or great proprietors of land; and that, when the advancement of manufactures and of

agriculture, in the reigns of the Tudor princes, had contributed to dismember the estates, and to diminish the influence of the nobles; the same change of circumstances tended to advance the middling and lower classes of the people, and to bestow proportional weight and authority upon that branch of parliament composed of the national representatives. Between the decline of the nobility and the exaltation of the people, there had indeed occurred an interval, during which the monarch had endeavoured to extend his prerogative; but his endeavours had met with constant opposition, and had proved ineffectual for destroying the fundamental privileges of parliament, or subverting, in any degree, the ancient fabric of the constitution. Nothing could betray more gross ignorance and misinformation, than to believe that the crown of England was enjoyed by a divine, indefeasible, hereditary right; for nothing is more certain than that, had it been transmitted upon that principle, it never could have devolved upon the house of Stewart; and that the lineal succession of the English royal family was fre-

quently broken, in some cases by occasional usurpation, in others by the interposition of the national council. By an act of the legislature, in the reign of queen Elizabeth, it is declared to be high treason for any person to assert that parliament has no right to vary and settle the succession to the crown.

Fortunately the talents of James were ill-suited to the task of subverting the ancient government. Whatever might be his abilities as a scholar, or his proficiency in the literature of the times, his understanding and discernment in the conduct of life were greatly below mediocrity. Nature had formed him for a pedagogue, and intended he should wield no better instrument than a birch. Possessed with the lofty idea of absolute monarchy in church and state, he seems to have thought that, by mere dint of argument, he could persuade the English nation to become slaves; and he provided no ultimate resources for carrying his design into execution. Mean and contemptible in his amusements and pleasures, weak and childish in his affections, his behaviour,

upon ordinary occasions, was not only unbecoming the dignity of a king, but inconsistent with common decorum and propriety. Though obstinate and conceited, he was highly susceptible of flattery; and though not exempted from avarice, he was profuse in his expences, and extravagantly liberal to his favourites. These were commonly chosen from a regard to their beauty of person; and as they gained an entire ascendancy over him, their incapacity and profligacy, joined to his own folly and arbitrary views, rendered his government equally odious and ridiculous.

One of the chief sources of dispute, after the accession of James the First, was the money required for supplying the exigencies of the sovereign. Many circumstances, independent of the bad economy of the prince, contributed to render this an object of much greater magnitude than it had formerly been. The difficulties in which Elizabeth, from her peculiar situation, was involved, had obliged her to alienate a great proportion of the ancient revenue of the

crown. The increase, on the other hand, of the quantity of the precious metals, since the discovery of America, had debased that part of the ancient crown revenue which was payable in money; while the influx of national wealth, from the advancement of trade and manufactures, by increasing the expence of living to each individual, had also augmented charges attending the administration of government. The demands of the crown were thus daily increasing, at such a rate as to render its old patrimony more and more insignificant, and to give room for expecting that the chief part of the public revenue was for the future to be derived from the taxes imposed on the people. So new, and so disagreeable a prospect, excited alarm and discontent throughout the nation. As the public supplies granted in former periods were inconsiderable, and took place only in extraordinary cases, it was of little consequence how the money was bestowed; but now, when the ordinary funds of the crown were shrunk almost to nothing, and when the execu-

executive power was, in a great measure, to be maintained by extraordinary contributions, creating a permanent burden upon the nation, it behoved the parliament, and in particular it was the duty of the lower house, entrusted with the guardianship of the people, to watch over the rising demands of the sovereign, and to be cautious of introducing such precedents of taxation as might be hurtful to the community.

The religious divisions of the kingdom became another source of alarm and jealousy, and the occasion of many disputes between the king and parliament. The adherents of the Romish religion, who still were numerous and opulent, regarded the protestants, not only with the abhorrence produced by the most violent opposition of theological tenets, but with the rage and resentment of a losing party against those who had stript them of their ancient power, dignity, and emoluments. Of this the gunpowder conspiracy, formed by persons of some rank, and who had formerly borne respectable characters, affords a shocking, and a singular proof.

Had the Roman Catholics in England been merely a branch of the sectaries, depending upon their own efforts for procuring influence and popularity, it must be admitted, that from the spirit now diffused over the kingdom, the terrors of the growth of popery would have been entirely groundless. But the influence and power of that party were, at this time, regarded in a different light. The Roman Catholics in England were zealously supported by those of the same persuasion in all the countries of Europe; and the restoration of popery in this kingdom was one of the great objects, not only of the Roman pontiff, but of all the princes who acknowledged his jurisdiction. For this end, no pains nor expence had been spared. Seminaries for the education of the English youth in the principles of that religion were established in different parts of Europe; secret emissaries were spread over England, and insinuated themselves among the religionists of every sect and description; and pecuniary, as well as other advantages, were held out in order to make proselytes, or to

confirm and encourage the friends of the party. In such a situation, it is not surprising that, from the remembrance of their former power, and the experience of their tyranny and virulence, they should have excited a national apprehension, and that it should have been deemed a salutary regulation to exclude them from offices of trust and consequence.

The king, however, from causes which have already been explained, discovered a disposition to favour and indulge the Roman Catholics, declaring, that if they would renounce their peculiar subjection to the authority of the Pope, they ought to be admitted to the same privileges with the members of the church of England; but he was far from holding the same liberal opinion with respect to the protestant dissenters, who, about this time, on account of their pretensions to austerity of manners, came to be distinguished by the name of puritans *.

These two articles, therefore, the obtain-

* See Rapin's History of England.

ing supplies, and the enforcing the penal laws against the Roman Catholics, were, during the reign of James the First, continual subjects of contention between the king and parliament.

In calling his first parliament, an attempt was made by James to over-rule the elections of the commons, which, had it proved successful, would have rendered that house entirely subservient to the will of the king. He issued a proclamation, declaring what particular descriptions of persons were incapable of being elected, and denouncing severe penalties upon such as transgressed the rules which he had prescribed. Sir Francis Goodwin having been elected member for the county of Buckingham, it was pretended that his election was void according to that proclamation; and the question being brought before the court of chancery, his seat was vacated. The county, upon this, proceeded to choose another representative; but the commons paid no regard to that sentence, and declared Sir Francis the member duly elected. They justly considered themselves as having the sole right to de-

termine the validity of the elections of their own members; a privilege essentially requisite to secure the independence of their house. Sensible of its importance, they resolutely maintained this constitutional point, and James, having urged them to a conference with the peers, and afterwards demanded in a peremptory tone that they would consult his judges, it was at last agreed, by a species of compromise, that both competitors should be set aside, and a writ issued for a new election *.

* In a remonstrance to the king, the commons assert, "That, until the reign of Henry the Fourth, all "parliament writs were returnable into parliament; and "that though chancery was directed to receive returns, "this was only to keep them for parliament, but not to "judge in them." They conclude with observing, "that "the inconvenience would be great, if the chancery "might, upon *suggestions* or *sheriff's returns*, send writs "for new elections, and those not subject to examination "in parliament. For so, when fit men were chosen by "the counties and boroughs, the Lord Chancellor, or the "sheriffs, might displace them, and send out new writs "until some were chosen to their liking; a thing dan-"gerous in precedent for the time to come. Howsoever," "say they, "we rest securely from it at present, by the

In this parliament, which first met in the year 1604, and was continued through five different sessions to the year 1610, the sums demanded by the king were several times refused by the commons; who repeatedly, but in vain, petitioned the throne to execute the penal statutes against popish recusants, and endeavoured to procure a relaxation of such as had been enacted against the protestant dissenters. As the monarch found so much difficulty in obtaining money from the national assembly, he employed other expedients for augmenting his revenue. The advancement of trade suggested the *customs*, as a growing fund, the profits of which, without exciting much attention, and without any application to parliament, might be gradually enlarged. By his own authority, therefore, he ventured to alter the rate of those burdens, and to impose higher duties upon various branches of merchandize than had been formerly exacted. The illegality of these exactions was indisputable; at the same time

" now Lord Chancellor's integrity." Parliamentary History, vol. v.

they created an apprehension the more universal, because, from the necessities of the crown, they were likely to be pushed to a far greater extent, and because they were plainly calculated to lay a foundation for claiming the general power of taxation as a branch of the prerogative. They gave rise, therefore, to violent debates in the house of commons, which, however, were cut short by a sudden dissolution of parliament.

There followed an interval of three years, in which the king endeavoured to supply his wants by the regal authority, and in which, among other contrivances for obtaining money, loans and benevolences were indirectly extorted from the people. But these expedients having proved insufficient, James, by the advice of his ministers, who undertook to manage the elections, was persuaded, in the year 1614, to make trial of a new parliament. The experiment was without success. In this house of commons there appeared such a spirit, as made it evident that no supplies could be obtained until the late abuses of the prerogative should

be corrected. With these terms the king was not willing to comply; upon which account this parliament, after sitting a few weeks, and without having finished any business whatever, was, like the former, suddenly dissolved, with strong marks of his anger and resentment; and several members of the house of commons, who had been the most active in opposing the measures of the court, were committed to prison *.

James had now resolved, it should seem, to call no more meetings of parliament; and in this resolution he persisted about seven years. But the loss of the Palatinate, from which his son-in-law, the elector, the great supporter of the protestant interest in Germany, was expelled, afforded him a plausible pretence for demanding parliamentary aid; and he again had recourse to that assembly in the year 1621. The measure proposed was highly popular throughout the nation; and parliament gave him two subsidies with the utmost alacrity; but finding, soon after, that the money was di-

* Wilson—Hume.

verted to other purposes, and most ineffectually and foolishly squandered away, they refused to give any more. The commons, in the mean time, proceeded, as formerly, to an examination of grievances; among which the favour shewn to the Roman Catholics was the principal. The terrors of the nation on this head had been increased by two circumstances.

The first was the avowed intention of James to marry his son, the prince of Wales, to the Infanta of Spain; a measure which gave rise to universal apprehensions that it would be productive of dangerous concessions in favour of the Romish religion. The other was the apparent backwardness of the king to make any vigorous exertion for the recovery of the Palatinate, which was considered by the nation as the common cause of protestants. Upon these topics the house of commons took the liberty of presenting to the king a petition and remonstrance, which he regarded as an insult to the royal dignity. Enraged at their presumption, he commanded them not to interfere in these

mysteries of government; threatened them with punishment in case of disobedience, and reminded them that all their privileges were derived from the mere grace and permission of him and his ancestors. The commons were neither intimidated by those threats, nor disposed to acquiesce in such arrogant pretensions. They protested, "that the liber-"ties, franchises, privileges, and jurisdic-"tions of parliament are the ancient and "undoubted birth-right and inheritance of "the subjects of England; and that the de-"fence of the realm, and of the church of "England, the maintenance and making of "laws, and the redress of mischiefs and "grievances, which daily happen within this "realm, are proper subjects and matter of "debate in parliament*." With this protestation the king was so incensed, that, at a meeting of the privy council, he tore it, with his own hands, from the journals of the commons; and having soon after dissolved the parliament, he threw into prison several members of the lower and some also of the

* Parliamentary History.

upper house. Among the former, Sir Edward Coke, and Sir Robert Philips, were committed to the Tower; Mr. Selden, Mr. Pym, and Mr. Mallory, to other prisons. Some, as a lighter punishment, were sent out of the kingdom, upon pretence of executing public business, which employments they were not permitted to refuse*.

In the fourth and last parliament of James, which was called in the year 1623, there occurred no dispute with the crown. The treaty with Spain, to which neither the influence of the national assembly, nor the voice of the people, could produce the least interruption, was at length broken off by the caprice of his favourite, Buckingham; and as this occasioned a war with which the nation was highly satisfied until the real ground of the quarrel was discovered, the king found no difficulty in procuring the necessary supplies.

Besides the two leading articles abovementioned, there were other subjects of importance which attracted the notice of par-

* Parliamentary History.

liament, and became the ground of controversy.

The king, as the superior of trading towns, and the patron of their commerce and manufactures, had early assumed the power of creating royal boroughs, and of erecting, in each of those communities, inferior corporations of particular trades. By an easy transition, he had thence been led to grant, in particular branches of trade, exclusive privileges to individuals, or to trading companies. These monopolies, in the infancy of trade, had been accounted necessary, or at least beneficial, for carrying on extensive and hazardous undertakings; but, in proportion to the advancement of commerce, such extraordinary encouragements, from the increase of mercantile capitals, became less needful; at the same time that they were found more inconvenient, by narrowing the field of free competition among traders. The king was, besides, under the temptation of abusing his power of granting these monopolies, by bestowing them for money, or obtaining a share in the profit of the trade which they were intended to encourage. Complaints of

such abuses had been made in the reign of queen Elizabeth; they became still more frequent in that of James, when the wants of the crown had left no expedient unattempted for procuring money; but at length, by the vigorous interposition of parliament, the sovereign was prevailed upon to limit the disposal of those grants, and several important regulations upon this point were introduced*.

From the manner in which the legislative business was conducted, a bill, being originally conceived in the form of a petition to the king, required the approbation of parliament before it could be presented to his majesty for the royal assent. Hence it became unusual, and was at length regarded as irregular, that the king should take notice of any bill, while it was depending before either house. At what time the uniformity of practice, in this respect, may be considered as having established an invariable rule in the constitution, it is difficult to determine;

* Parliamentary History, vol. v. and vi.

though it is clear that queen Elizabeth did not conceive herself to be precluded from stopping bills in parliament at any stage of their progress. In the year 1607, James objected to a petition laid before parliament concerning popish recusants; and it was insisted that the petition should not be read: to which it was answered, "that this would "be a great wound to the gravity and liberty "of the house." The speaker replied, "that "there be many precedents in the late "queen's time, where she restrained the "house from meddling in petitions of divers "kinds." Upon this a committee was appointed, "to search and consider of such "precedents, as well of ancient as of later "times, which do concern any messages from "the sovereign magistrate, king or queen of "this realm, during the time of parliament, "touching petitions offered to the house of "commons." Two days thereafter, the petition, by the king's consent, was read; and the following declaration appears on the record: "*that his majesty hath no meaning to* "*infringe our privileges by any message; but*

"*that his desire is, we should enjoy them with* "*all freedom**." It should seem that henceforward no monarch of England has ventured to dispute this privilege of parliament.

During the whole reign of James, the behaviour of the commons was calm, steady, and judicious, and does great honour to the integrity and abilities of those eminent patriots by whom the determinations of that assembly were chiefly directed. Their apprehensions concerning the prevalence of popery were, perhaps, greater than there was any good reason to entertain; but this proceeded from the prejudice of the times; and to judge fairly of the spirit with which, in this particular, the members of parliament were animated, we must make allowance for the age and country in which they lived, and for the occurrences which were still fresh in their memory. Though placed in circumstances that were new and critical, though heated by

* See the Journals of the house of commons, on the 16th and 18th of June, 1607.

a contest in which their dearest rights were at stake, and doubtless alarmed by the danger to which, from their perseverance in their duty, they were exposed, they seem to have kept at an equal distance from invading the prerogatives of the crown, and betraying the liberties of the people. They defended the ancient government with vigour; but they acted merely upon the defensive; and it will be difficult to shew that they advanced any one claim which was either illegal or unreasonable. The conduct of James, on the other hand, was an uniform system of tyranny, prosecuted according to the scale of his talents. In particular, his levying money without consent of parliament, his dispensing with the laws against popish recusants, and his imprisoning and punishing the members of parliament, for declaring their opinions in the house, were manifest and atrocious violations of the constitution.

This last exertion of arbitrary power some authors have endeavoured to excuse, or palliate, by alleging that it was con-

formable to the practice of queen Elizabeth. But the apology, such as it is, must be received with some limitations in point of fact. Though in both cases the measure was arbitrary and violent, the grounds upon which it was adopted, by James and by Elizabeth, were widely different. Elizabeth imprisoned the members of the house of commons, because they proposed to abridge those powers which the crown indisputably possessed. If the crown was at liberty to interpose a negative upon bills before they had finished their progress in either house of parliament (and, perhaps, in the days of Elizabeth, the contrary had not become an established rule) the behaviour of those members, who, after the interposition of such negative, endeavoured to revive the debate, and to push on the business, might be considered as irregular, and as an invasion of the prerogative. The ultimate aim of Elizabeth was to prevent innovation, and to maintain the form of government transmitted by her ancestors, though the measures employed for that purpose could not be defended. But the

imprisonment of the members by James, was in support of a fixed resolution to overturn the constitution. This violent step was taken, in the year 1614, because the commons refused to grant the supply which he demanded; and in the year 1621, because they had asserted that their privileges were their birth-right, and had remonstrated against the dispensing power exercised by the crown in favour of popish recusants. As they had an undoubted right to act in that manner, the king, when he punished them upon that account, cannot be regarded as defending his prerogative; his object was to deprive the commons of their most important privileges, and to convert the mixed government of England into a pure despotism.

The first fifteen years of the reign of Charles presented nearly the same view of political parties which had occurred in the reign of his father; and particularly the same objects of contention between the house of commons and the sovereign. Charles had thoroughly imbibed his father's arbitrary prin-

ciples; at the same time that, by greater steadiness and capacity, and by the superior gravity and decorum of his deportment, he was better qualified to effect his purposes. During the controversy in the former reign, both parties had become gradually more keen and determined; and from greater experience, their measures had been rendered more systematic. They looked farther beyond the points in agitation, and were less actuated by their immediate feelings and passions, than by the consideration of distant consequences. In the original state of the controversy it appears that parliament, in demanding a rigorous execution of the laws against popish recusants, had been stimulated by the general apprehension concerning the growth of popery; and that the reluctance expressed by the king to comply with these demands, had proceeded from his belief of that religion being favourable to the exaltation of the crown, together with the views he had formed of marrying his son, the prince of Wales, to a Roman Catholic princess. But in the reign of Charles, the parliament com-

plained of abuses committed by the crown, not so much from their own magnitude, as because they seemed parts of a regular system, and might afterwards become precedents of despotical power; and the king refused to reform these abuses, chiefly because he was unwilling to admit, that the redress of grievances might be extorted by parliament as the condition of granting supplies.

Money was wanted by Charles to carry on the war with Spain; and as this war had been a popular measure, and undertaken with consent of parliament, the king flattered himself that a liberal supply would readily be obtained. But several circumstances concurred to change, in this respect, the sentiments of the people, and to render them now averse from an undertaking which they had formerly embraced with general satisfaction. The rupture with Spain was at first beheld in England with universal joy and exultation, because it prevented the heir of the crown from marrying a Roman Catholic princess; and because it produced an expectation that the

king would be induced to join the protestant league in Germany. But the marriage of Charles to a daughter of the house of Bourbon, which happened soon after, demonstrated that, though James had varied his measures, his object was invariably the same; and that no regard to the religious apprehensions of his people, or to the preservation of public tranquillity, could divert him from his purpose of uniting the prince of Wales with a Roman Catholic consort.

The marriage treaty with France contained even higher concessions to the English Roman Catholics than had been proposed in the former stipulations with Spain. In particular, it provided that the children should be under the care and direction of their mother, and consequently might be educated in the Popish religion till the age of thirteen; though by the projected Spanish treaty, that maternal direction was limited to the age of ten. Whatever dangers, therefore, had been foreseen from the marriage with the infanta, these were increased

rather than diminished by the French alliance.

The blunders, too, which had been committed, the ignorance and incapacity displayed in the management of the war, contributed to cool the ardour of the people, and to disgust them with a measure which, under such directors, had so little the appearance of producing any good effect. They had even the mortification to observe, that one of the first fruits of the treaty with France was, the lending ships of England to the French monarch, for the purpose of reducing his protestant subjects*; and that the English forces were thus employed in ruining that very cause which parliament, in advising the war, had intended to support.

The secret transactions which had occasioned the rupture with Spain, and which had now transpired, could not fail to co-operate with the foregoing circumstances, and to become a separate ground of dissatisfaction and distrust. The war with Spain was

* Rushworth, i. 174.

undertaken upon pretence of the insincerity and double-dealing of that court with relation to the marriage-treaty; and parliament had consented to this war in consequence of the strong and solemn representation to that purpose, given by Charles and the duke of Buckingham. But the real ground of the dispute was a private quarrel between that favourite and the count Olivarez, the Spanish minister; and the account which had been laid before parliament was an artful system of falsehood, calculated at once to take advantage of the national aversion from the Spanish alliance, and to rouse the public indignation and resentment for the unworthy treatment which their prince was understood to have suffered.

In a matter of this kind, however, the truth could not long be concealed. The arrogant and supercilious behaviour of Buckingham while in Spain, and the menaces which he had been vain enough to throw out against the Spanish minister, were not unknown to Bristol, the English ambassador, and to many other persons who had an in-

terest that the people of England should be undeceived. It appears from lord Clarendon, that king James knew the real state of the fact, at the very time when his son and the duke were imposing their fictitious narrative upon the parliament*; and in the first year of the reign of Charles, we find hints thrown out in the house of commons, *that Buckingham had broken the Spanish match from spleen and malice to the count Olivarez*†.

It must have been highly mortifying to an English parliament, to find that they were made the dupes of a profligate minister, and had involved the nation in a war to gratify his vanity and resentment. They could, at the same time, have but little confidence in their present sovereign, who was implicitly governed by that minion, and who had shewn himself so unprincipled as to sacrifice his own honour to the wicked designs of his favourite.

Some authors have alleged as an apology

* History of the Rebellion, vol. i. p. 22.
† Rushworth's Collections.—Whitelock's Memorials.

for Charles, that he himself might be deceived, and that he might really believe the story told by his minister. But this it seems hardly possible to conceive. That prince must be supposed a perfect changeling, not to have discovered the particulars of a quarrel which was known to the whole court of Spain, which by his peculiar situation he had so many opportunities of observing, and which Buckingham, under the immediate impressions of resentment, had been at no pains either to cover or disguise.

In these particular circumstances, it is not surprising that, upon the first meeting of parliament, in the reign of Charles, that assembly, though strongly urged to support a war undertaken by its own recommendation, should testify no great zeal in prosecuting the views of the monarch. After the house of commons had granted two subsidies, which Charles regarded as very inadequate to his necessities, they proceeded to examine the mismanagement of the revenue, and the unseasonable indulgence and

favour shewn by the crown to popish recusants *.

The principal transactions in the two first parliaments of Charles, present nearly the same general aspect of the controversy between the crown and the people, which had occurred in the reign of his father; the king eagerly demanding supplies; threatening that, unless his demands are complied with, he must have recourse to other methods of procuring money; and declaring that, as the existence of parliaments depends entirely upon his will, they must expect, according to their behaviour, either to be continued or laid aside. Parliament, on the other hand, with inflexible resolution, insisting upon the previous redress of grievances; its members imprisoned, and called to account for their behaviour in that assembly; repeated dissolutions of parliament for its perseverance in refusing to grant the sums demanded; and each dissolution followed by the arbitrary exaction of loans and benevolences, and by such

* See Parliamentary History—Rushworth's Collections—Whitelocke's Memorials.

other expedients as the crown could put in practice for procuring money*.

The third parliament in this reign was called on account of the extraordinary expences and difficulties in which the king was involved by the war with France; a war occasioned partly by a misunderstanding between Charles and his queen, which had produced the dismission of all her French servants, and partly by the levity, the insolence, and precipitate rashness of Bukingham†. The accumulation of abuses, in every department of regal authority, now filled the kingdom with indignation. To the same spirit which had animated the two preceding houses of commons, the members of this parliament joined an experience of the measures which the king had hitherto pursued; and as, from these, they could not fail to discern his deliberate purpose to establish an unlimited power in the crown, so they were determined, with firmness and unanimity, to stand for-

* See Parliamentary History—Rushworth's *Collections*—Whitelocke's Memorials.

† Whitelocke—Hume.

ward in defence of their privileges. Through the whole of their proceedings we may observe a regular system, planned with consummate wisdom, and executed with equal steadiness and moderation. No menaces could shake them; no artifice could deceive their vigilance; no provocation could ruffle their temper, or make them forget either the dignity of their station, or the decency of expression which became subjects in addressing their sovereign.

The language held by the king, at the opening of this assembly, was lofty and imperious. He informed them, in direct terms, that "unless they did their duty in contributing what "the state required, he would be obliged to "use the other means which God had put "into his hand. He desired they would not "construe this into a threatening, *as he scorned to threaten any but his equals.* He promised, at the same time, to forgive what "was past, if they would leave their former "distractions, and follow the counsel which "he had given them *.

* Parliamentary History, v. vii.

The commons entered immediately upon the consideration of grievances. These had become so numerous, and had acquired such magnitude, that, for procuring redress in the most effectual manner, it was thought proper to collect them in one view, and to bring them under the consideration of the legislature. This was done by the famous *petition of right*, which, in the form of a bill, was laid before parliament, and after a full discussion, having passed through both houses, and obtained the royal assent, became a declaratory statute, ascertaining, in some of the most essential points, the acknowledged limitations of the prerogative, and the indisputable rights of the people.

This petition began with stating the ancient and most fundamental laws of the kingdom, from the great charter downwards, by which it is provided, that no tallage, aid, or other charge, shall be levied by the king, without consent of parliament; that no money shall be extorted from the subject, by way of loan or benevolence; and that no person shall be imprisoned, without being

brought to answer by due process of law, or be deprived of his freehold, or otherwise suffer in his person or goods, but by the judgment of his peers, or by the law of the land. It afterwards enumerated the many gross violations of these privileges upon the part of the crown, by compelling the subjects to lend, or to contribute money to the king; by imprisoning individuals without any cause being specified, and by detaining them in prison without any charge being made, to which they might answer according to law; by quartering soldiers upon the inhabitants, against the laws and customs of the realm; and by appointing commissioners to proceed in the trial of crimes according to the summary course of martial law. And lastly, it humbly prayed the king's most excellent majesty, that, for the future, all these abuses might be removed and prevented.

From the time when this petition was understood to be in agitation, Charles employed every artifice that could be devised for defeating its purpose. He procured nu-

merous conferences between the two houses of parliament, and proposed many different schemes of accommodation. He acknowledged the faults of his administration, and promised of his own accord to remove all grounds of complaint. He represented the absurdity of making a new law to confirm an old one; and he prevailed upon the house of lords to move the addition of a clause, that by this deed the sovereign power of the king should be left unimpaired. But this ambiguous limitation was rejected by the commons.

When the petition had passed the house of lords, and was presented to the king for his concurrence, his presence of mind seemed entirely to forsake him, and instead of the simple expression used on such occasions, he returned an evasive answer, importing merely his will that the statutes of the realm should be put in due execution. So unprecedented a mode of speech, in that critical juncture, was more likely to create fresh jealousy than to afford satisfaction; and he found it necessary, soon after, though with a bad

grace, to give the royal assent in common form*.

It is remarkable, however, that to all the copies of this deed which, by the king's order, were dispersed over the kingdom, the first answer, and not the second, was annexed†. To such pitiful shifts was this monarch reduced, and so strongly did he evince his reluctance to acquiesce in this important transaction. When he could no longer evade, he endeavoured to conceal and to deceive.

The legislature, by declaring the essential parts of the constitution, precluded, in appearance, all future disputes upon that subject. A bill for five subsidies was now passed through both houses of parliament, and carried into effect. So large a supply had, in the beginning of the session, been held out to the king as the reward of his consenting to the *petition of right*. The commons, however, were not diverted by their late success, from the further consideration

* Hume.

† Parliamentary Hist. vol. viii. anno 1628.

of such grievances and abuses of administration as appeared still to require animadversion and redress: the dissipation of the revenue, the frequent dissolution of parliaments, the sale of indulgences to popish recusants, and the unlimited influence and power of the duke of Buckingham, to whom the public disgrace and mismanagement were chiefly imputed, became successively the objects of complaint and censure.

During a period when practical despotism continued to be the avowed object of the king, it is not surprising that a multitude of speculative reasoners were found willing to second his pretensions, and that the labours of the press, for that purpose, were openly employed and encouraged. Wherever men of letters form a numerous class, their ambition, the narrowness of their funds compared with their ideas of elegance, and their capacity of exercising many offices in the gift of the crown, are likely to produce a powerful body of mercenary writers, ready to enlist under the banner of prerogative, and possessed of ingenuity to palliate, even to their own minds, the mean

prostitution of their talents. Among these literary, or rather political auxiliaries, the first rank seems due to the clergy, on account of that peculiar zeal and good discipline which their professional education and circumstances are wont to create. Two ecclesiastics, Sibthorpe and Manwaring, distinguished themselves by the preaching and publication of sermons, in which they inculcated doctrines entirely subversive of civil liberty; maintaining that the king is not bound to observe the laws; that the authority of parliament is not requisite in raising subsidies; that the sovereign has a right to demand loans and contributions at pleasure; that those who refuse payment of the taxes imposed by him, incur eternal damnation; in fine, that an implicit and unlimited obedience to his will is an indispensable religious duty. Archbishop Abbot, whose political principles happened, it seems, not to coincide with those of the court, refused a licence to Sibthorpe's publication; for which he was suspended from the exercise of his ecclesiastical functions, and confined to

one of his country seats. Manwaring's sermon, upon inquiry, was found to have been printed by the special command of the king. The author was impeached by the commons, and condemned by the lords to a high fine. But he soon after received a pardon from the king, and afterwards was made a bishop.

Charles having felt the want of a standing army to enforce his measures, his attention had been directed to the methods of removing that inconvenience. Part of the troops employed in the war abroad had now returned home, and were kept in pay, for the purpose of rendering his exactions effectual. He had also remitted money to levy a thousand German horse, and had transported those foreign troops into England. This body was doubtless too small to perform any great service; but the precedent of introducing foreign mercenaries being once established, their number might easily be increased. Such a measure could not fail to alarm the nation, and to call for the interposition of parliament.

After the *petition of right* had passed into a law, there was ground to expect that all disputes concerning the extent of the prerogative would, at least for some time, be completely removed. But a misunderstanding, with respect to the meaning of that declaratory statute, soon involved the king and the commons in fresh contention, and threatened to frustrate all the former labour for composing their differences.

Tonnage and *poundage* were duties on the importation and exportation of commodities, derived in early times from the protection and assistance which the merchant received from the public, and which, from the nature of his trade, was of the utmost advantage, if not indispensably necessary to him. When the amount of these duties became so considerable as to appear worthy of notice, they fell, of course, under the direction of parliament, and, like all other taxes, were imposed and regulated by that assembly. The grant was renewed from time to time, sometimes for a shorter, and sometimes for a longer period; and as the

burden fell, at least in the first instance, upon mercantile and sea-faring people, it was generally allotted for the purpose of guarding the seas, or of carrying on a foreign war. Towards the end of the Plantagenet race, a custom was introduced of granting these duties during the king's life; and under the princes of the Tudor family the same custom was continued. None of those princes, however, appear to have imagined that they had a right to levy this tax by virtue of their prerogative. The authority of parliament had always been esteemed necessary to the imposition of this, as well as of all other branches of taxation; and upon obtaining a grant for *tonnage* and *poundage*, the form of words used by the sovereign was the same as in all other subsidies: *The king heartily thanketh the subjects for their good wills.*

It is true, that in the beginning of several reigns, the crown officers were accustomed to levy tonnage and poundage before the first meeting of parliament, or before it was convenient for that assembly to take the

matter under their consideration. This irregularity, in that rude age, was overlooked, more especially as no claim of right in the king had ever been founded upon the practice, and as the subsequent application for an act of parliament to authorize the tax, was a clear acknowledgment of his own defect of power to levy it by virtue of his prerogative.

James was the first English monarch who directly and openly claimed a right to impose these duties, and who, by his regal authority, ventured to advance the rates of the customs upon merchandize, and to establish these burdens as a permanent revenue of the crown *. This measure had not failed in that reign to be brought, among other grievances, under the cognizance of the commons, who had unanimously determined that the king had no such right. Charles, however, had followed his father's footsteps,

* See the remonstrances on this subject, and the pleadings in the case of ship-money, preserved in Rushworth's Collections, vol. ii.

and continued to levy the customs according to the advanced rates which he found already introduced. To ascertain this point, and put a stop to such arbitrary and illegal exactions, the commons, in the first parliament of this reign, had brought in a bill for granting tonnage and poundage for the very limited period of one year. But this limitation was not approved by the upper house. It was not to be expected that a matter of so great importance would be soon forgotten; and in the second parliament of Charles, we find that the levying tonnage and poundage, by virtue of the prerogative, made a principal grievance in the offensive remonstrance, for which that assembly was dissolved.

It is not a little surprising that, notwithstanding the proceedings in these two parliaments, the king, after he had, in the next parliament, given his assent to the petition of right, should still affect to consider tonnage and poundage, as in a different situation from other taxes, and as not comprehended under those regulations, with respect to

every species of taxation or public burden, which had, with so great anxiety, been provided by that fundamental transaction. Could it be supposed that, when parliament had prohibited the levying of any tax whatever, by the mere authority of the crown, they tacitly meant an exception of one branch of public revenue, in its consequences to national prosperity the most important, and the most liable to produce oppression and injustice? If such a supposition were possible, the behaviour of the commons in the two former parliaments must have been sufficient to remove it, by shewing that this branch of taxation had been so recently under their view, and that they invariably regarded it in the same light with other taxes.

It is probable that Charles, having obtained a supply of money, and being freed from those difficulties which had induced him to consent to the petition of right, had now begun to repent of his acceding to that deed, and was willing, by any, the most frivolous pretences, to evade the restrictions which it

imposed. However this may be, he continued to levy tonnage and poundage without the authority of parliament; and when the house of commons complained of this measure, considering it as a violation of the petiton of right, he was highly displeased, and put a stop to their proceedings by a sudden prorogation.

In the beginning of the next session, he thought fit to assume a more moderate tone, and to relinquish his former pretensions. He declared that he had not taken these duties "as appertaining to his hereditary "prerogative; but that it ever was, and still "is, his meaning to enjoy them as a gift of "his people; and that if he had hitherto "levied tonnage and poundage, he pretend-"ed to justify himself only by the necessity "of so doing, not by any right which he "assumed." As the parties were now agreed in their principle, the only question that could remain, related to the mode of granting this tax. The commons, considering the former claims both of the king and his father, and the powers which they had exercised in

relation to these duties, thought it necessary, for the future security of the people, that there should be an immediate interruption to the assessment before the new grant was bestowed. They were willing that the king should enjoy the tax to the same amount as formerly, but they insisted that he should receive it in such a manner as clearly to ascertain that it proceeded from the gift of parliament. But the king obstinately refused to accept it upon those terms; and he suddenly took the resolution of dissolving that assembly, rather than admit of a compromise apparently so unexceptionable. The alarm spread in the house of commons, upon receiving intelligence of this resolution, may easily be conceived. They immediately framed a remonstrance for the occasion. But the speaker refused to put the question upon it; and being urged by several members, declared, *that he had express orders from the king to adjourn, and to put no question.* Indignation, anxiety, and resentment, gave rise to unusual vehemence of speech and behaviour, and suggested a measure suited to the

exigency. The speaker was forcibly held in the chair until a protest was read, and approved by the general acclamation of the house.

The dissolution of parliament, in these unusual circumstances, was a plain intimation that Charles intended to keep no measures with his people. He immediately gave orders to prosecute those members of the house of commons who had distinguished themselves in the late violent proceedings. Sir John Elliot, who had framed and read the last remonstrance; Mr. Selden, who had taken a great share in conducting the petition of right, as well as in the measures concerning tonnage and poundage, and whose learning and abilities gave him great weight with the party; Hollis and Valentine, who had by force detained the speaker in his seat, with several others, whose conduct upon that occasion had rendered them obnoxious, were imprisoned, and examined before the privy council; but they refused to answer the interrogatories of any person, or to give to any court whatever an account of their behaviour in

parliament. After an imprisonment of thirty weeks, an offer was made that they should be admitted to bail, upon finding sureties for their good behaviour; but they declined accepting their liberty upon terms which they considered as inconsistent with their duty to their country. Sir John Elliot, Mr. Hollis, and Mr. Valentine, were brought to a trial in the King's-bench, and subjected to a high fine, and to imprisonment during the king's pleasure. The first of these gentlemen, who had distinguished himself as a leader in the cause, died in prison. Several of the members remained in confinement until the meeting of the next parliament in the year 1640*.

From the dissolution of parliament in the beginning of the year 1629, Charles avowed his purpose of ruling without a parliament, and of raising the whole of the public supplies by his own authority †. From this period

* See Pym's speech, Parliam. Hist. vol. viii. p. 427.

† See his proclamation, 1629. Parliam. Hist. vol. viii. p. 389.

we are no longer to look upon the monarch as endeavouring secretly to undermine the constitution, but as acting in open defiance of all those maxims upon which it had been established.

In the prosecution of this plan, however, he did not neglect those arts of corruption, which the experience of a later age has brought to greater maturity, but which, even at that time, were far from being unsuccessful. A few of the leading members of the last house of commons were now gained over to the interest of the crown, and obtained a distinguished rank in administration. Among these, the most noted was Sir Thomas Wentworth, who, from being one of the most able and violent opposers of the prerogative, was prevailed upon to desert his former principles, and soon after became the confident and prime minister of Charles.

It would be superfluous to enumerate the instances of tyranny and oppression exhibited in a period of more than eleven years, during which this arbitrary system was pursued. All the abuses which had formerly

been complained of, and of which redress had so often, and with so great solemnity been promised, were now repeated, and digested into a regular plan. All the powers of government were now centered in the monarch, and the rights and privileges formerly claimed by either house, were sunk in the prerogative.

Two of the measures which during this period excited universal attention, and contributed most remarkably to inflame the popular discontents, may be worthy of particular notice. The first was the imposition of ship-money; an exaction which, from the time of its first introduction, had been greatly extended, and almost entirely altered in its nature. According to the English constitution, as well as that of the other feudal governments, all the military people were bound to assist in the defence of the kingdom, and might be required by the sovereign to attend him in the field with arms and provisions, agreeable to the nature of their service. Upon the same principle, the maritime towns were liable to a peculiar

burden, corresponding to their circumstances; that of furnishing ships, with sailors and naval stores, which, upon any foreign invasion, or extraordinary exigence, might be demanded by the king, and employed under his direction. The mercantile part of the nation were thus put upon an equal footing with the rest of the community; being subjected to a duty corresponding to that kind of protection which they received from government, and to the nature of that support and defence which they were best qualified to afford.

The mercantile towns, however, were not obliged to build and prepare new ships, but only to furnish those of which they were already possessed; for this obvious reason, that if the extraordinary emergency which had created the demand, admitted such a delay as would be requisite for the building of new ships, it might afford unquestionably sufficient leisure for calling a parliament, and procuring its concurrence; a measure held, by the common law of England, and by the uniform tenor of the statutes, to

be indispensably necessary in the imposition of taxes *.

But the requisition made by Charles, under the appellation of ship-money, now assumed a very different form. It was not limited to the maritime towns; but extended also to the counties; and to those at a distance, as well as to those in the neighbourhood of the sea. He demanded,

* See the proceedings in the case of ship-money, particularly the argument of Sir George Crooke, one of the justices of the King's-bench.—State Trials.

It appears, that though the ships were commonly furnished at the king's charge, yet, in some few cases, the expence was laid upon the towns. Of this complaints were made to parliament, and redress was given by a statute, 25 Edw. I. During the war with France, in the reign of Edward III. the king renewed the practice of requiring the maritime towns to prepare ships at their own expence; but this was again prohibited by a statute in the 14th of that reign. By an act of parliament [1 Rich. II.] it was provided that such ancient cities, boroughs, or towns, as chose to fit out a single ship for the defence of the kingdom, should, without any fine or charge, obtain a confirmation of their charters; and, with exception of the voluntary armaments referred to in that statute, it became an established rule, that the maritime towns should not be burdened with the expence of the shipping, which, by the king's orders, they were bound to furnish.

not a number of ships; for of every thing relative to shipping, the inland counties were totally destitute; but a sum of money, to be employed at the discretion of the crown, for the purpose of procuring a naval armament. And, to crown the whole, he made this demand, not on account of any foreign invasion, or of any public calamity, or danger requiring a sudden exertion of national force; but in times of profound peace and tranquillity, when he could find no other pretence but that the sea had been infested with pirates; an enemy too insignificant, surely, to create any disturbance, and whose depredations might have easily been suppressed by the ordinary vigilance of the royal navy, and the ordinary supplies to be obtained by the interposition of parliament. In this form, ship-money became a general tax, imposed, in direct terms, by virtue of the prerogative, and subject to no controul from parliament; a tax which might be extended at pleasure, and of which the profits might be applied to any purpose whatever.

To smooth and prepare the way for this

imposition, Charles took the precaution of consulting the judges upon a fictitious case: whether ship-money could be demanded by the king when the necessities of the state should require it; and whether the king alone was the judge of such necessities? To the everlasting disgrace of the English courts of justice, those corrupt and pusillanimous guardians of the law returned an answer in the affirmative. Fortified by that opinion, the monarch was emboldened to pursue a measure which seemed to promise inexhaustible resources; and he ventured to employ the same methods for enforcing the payment of this duty, as if it had been levied by act of parliament*.

About four years after ship-money had begun to be enforced, Mr. Hambden had the courage to refuse payment; and for the sum of twenty shillings, in which he had been assessed, brought the cause to a judicial determination. Of the abuses which, at this time, contributed to alarm the nation, it was not the least, that the arbitrary

* Rushworth's Collections.

spirit of the sovereign had perverted the streams, and poisoned the sources of justice. Upon a full hearing of all the judges, a very great majority concurred in pronouncing a sentence in favour of the crown; "which "judgment," says my lord Clarendon, "proved "of more advantage and credit to the gentle- "man condemned, than to the king's ser- "vice*.

The innovations introduced by Charles in the forms of religious worship, and in the government of the church, though, perhaps, less directly subversive of the constitution,

* The two judges, Crooke and Hutton, gave their opinion in favour of Mr. Hambden, upon the general merits of the question. The argument of the former, as delivered in the state trials, exhibits a clear view of the English constitution with respect to the ancient power of the crown in levying ship-money. Two other judges, Davenport and Denham, spoke also upon the same side. The former supported the right of the crown to levy ship-money, but thought the action void upon a point of form; the latter, at first, gave his opinion for the crown, upon mistaking the plaintiff for the defendant, but afterwards corrected his mistake. He had from sickness been absent during part of the pleadings, and seems to enter very little into the matter.

were still more calculated to rouse and alarm the people; and had, in reality, an obvious and powerful tendency to increase the authority of the crown. From the behaviour and character of this monarch, some doubts have arisen with respect to his religious opinions. The gravity of his deportment, the sobriety and regularity of his private life, together with his apparent zeal in support of ecclesiastical dignity, procured him the reputation of piety and devotion; while his prepossession in favour of ridiculous ceremonies, and superstitious observances, in consequence of the good sense attributed to him, created a suspicion of artifice and hypocrisy. His friends have asserted his invariable attachment to the church of England: his enemies insinuate that he was a secret abettor of popery. That both he and his father were less adverse to the latter system of religion than to that of the puritans, cannot reasonably be denied. The fact seems to be, that in religious matters, these two princes were much guided by their political interest. As the hierarchy in England

was highly favourable to the regal authority, they endeavoured to extend and fortify it with all their might. By the abolition of the papal power in this country, the king, becoming the head of the church, and possessing the gift of the higher church livings, acquired a very absolute ascendancy over the superior members of that great incorporation. The spirit of inquiry introduced at the reformation, and the diffusion of knowledge which followed it, contributed, on the other hand, to relax the bands of ecclesiastical authority, and greatly to diminish that influence over the laity which churchmen had formerly maintained. It appears to have been the great object of Charles to repair, in these two respects, the ruins which time had produced; to renew and invigorate the ecclesiastical machine, so as to create a proper union and subordination of its different wheels and springs, and to render its movements more effectual in directing and governing the people. For this purpose, in conjunction with archbishop Laud, his great spiritual minister, he ventured

to new model the liturgy; and, in the public services of religion, introduced a multitude of decorations and ceremonious observances, in imitation of those employed by the Roman Catholics. Some authors appear to consider these as insignificant and ridiculous mummery, the offspring of mere folly and superstitious weakness; but there is no room to doubt that this pomp and pageantry of religious worship was intended to promote superstition among the populace; to exalt the clerical character, to create a high veneration for the sacerdotal functions, and a belief, with respect to the happiness of men in a future state, of the efficacy and indispensable necessity of the interposition and good offices of the church. He also established a new set of ecclesiastical canons, by which a stricter discipline, and a more absolute authority in the superior orders of churchmen was introduced; and these regulations were enforced with unremitting vigilance and with inflexible rigour. It is not impossible, that by these innovations Laud gratified that vanity and love of power which

his rank and situation contributed to inspire; while the king viewed them in a political light, as promoting his designs of managing the church, and, through her, of governing the nation. The court of star-chamber, and that of high-commission, were employed in punishing both laity and clergy who neglected, in the smallest article, to comply with these rules; and the bishops administered an oath to the churchwardens, that they would, without fear or affection, inform against all offenders*.

It was impossible entirely to suppress the indignation and clamour excited by these proceedings; but such as ventured openly to censure them, were sure to encounter the implacable resentment of an incensed and bigotted churchman, armed with the whole power of the state.

Some men of austere character, or of intemperate zeal, being found hardy enough to venture upon the publication of books, inveighing with great acrimony against the usurpations of churchmen, and against the

* Rushworth.

levities and vices of the age, or supposed to contain insinuations against the measures of government, were treated with a degree of barbarity repugnant to the manners of a civilized nation. These authors, though of liberal professions, and in the rank of gentlemen, were condemned not only to an immoderate fine, but to the pillory, and to whipping in the severest manner, accompanied with the loss of their ears, and the slitting of their noses; and this outrageous and shocking punishment was, without the least mitigation, actually carried into execution.*

To prevent such publications as tended to inflame the minds of the people, it was ordained, by a decree of the star-chamber, in the year 1637, that the printers in the kingdom should be limited to a certain number, and that no book should be printed without a licence, or imported for sale without the inspection of persons appointed

* See, in particular, the account given by historians, of the punishment inflicted upon Dr. Leighton, a Scotch presbyterian: on Prynne, a lawyer; on Burton, a divine; and on Bastwick, a physician.

for the purpose. This regulation was enforced with similar punishments*. What is called the liberty of the press was, doubtless, totally incompatible with the designs of administration.

From the same views which led to the exaltation of the hierarchy in England, Charles was equally solicitous of extending that favourite system of church policy to Scotland. By a variety of steps, many of which were highly arbitrary and illegal, James had already established a species of episcopal government in that country; but from the influence of the nobles, and other very opulent proprietors of land, who had obtained a great part of the ancient ecclesiastical revenues, he found it impossible to restore the bishops to that wealth and dignity which they enjoyed in times of popery, or which

* For printing and publishing without a licence, John Warton and John Lilburne were brought into the star-chamber, and upon refusing to answer interrogatories, were sentenced to a fine and the pillory. The latter, though a man of family, was likewise whipped through the streets, and otherwise treated with great barbarity.—Rushworth.

they still held in England. The enthusiasm of the Scottish nation in favour of that mode of worship which they had established at the reformation, and their prejudices against the forms used in the English, as well as in the Roman Catholic church, were well known to Charles; notwithstanding which he was not deterred from the attempt of compelling them to receive the new English canons and liturgy. The obstinacy with which he pursued this object, even after the people had risen up in arms to oppose it, and had formed that solemn association known by the appellation of the *national covenant*, can hardly be imputed to the pretended motives, the mere love of order and uniformity in the external worship of the two kingdoms; but, in all probability, arose from the desire of subjecting the people in Scotland as well as in England, to an order of men who, from their dependence upon the crown, were likely to be the zealous and constant supporters of the prerogative.

The Scottish army having reduced the king to great difficulties, he again found it expedient, after an interval of more than

eleven years, to call a parliament. But this meeting, which was held in April 1640, having, like the three former parliaments, insisted upon a redress of grievances previous to the granting of supplies, was quickly dissolved by the king; who, immediately after, imprisoned two of the commons, for refusing to answer interrogatories concerning their behaviour in the house.

Such, during the first fifteen years of the reign of Charles, were the chief matters in dispute between the king and parliament; and such were the chief circumstances in the conduct of either party.

From the whole behaviour of the king during this period; from numberless instances in which he publicly declared his political sentiments; from the countenance and favour which he shewed to the authors of doctrines entirely subversive of civil liberty; from his peremptory demands of supply, accompanied with menaces in case they should not be complied with; from his repeated dissolutions of parliament, for persisting to inquire into national grievances; and from his con-

tinuing, in consequence of an avowed resolution, for so long a period as that of eleven years, to rule without the aid of any national council, and to levy money, both directly and indirectly, by his own authority; from all these circumstances it is manifest, that he considered himself as an absolute monarch, and that, although he made repeated applications to parliament for supplies, he was far from admitting the necessity of such an expedient, but claimed the power of imposing taxes as an inherent right of the crown.

It appears, at the same time, indisputable, that such doctrines and claims were inconsistent with the original constitution and fundamental laws of the kingdom. By the uniform series of statutes, from the reign of William the Conqueror, and according to the principles and maxims recognized and admitted in all public transactions, the legislative power, and that of imposing taxes, were exclusively vested in parliament. These laws, indeed, had been sometimes violated by particular princes, who had not always been called to account for such violations.

But these illegal measures of the crown were neither so numerous, so uniform, nor so long continued, as to make the nation forget that they were usurpations, or lose sight of those important privileges which had thus been invaded. The king was no more understood to have acquired a right to such powers, from his having occasionally exercised them, than individuals become entitled to commit rapine or theft, merely because they have sometimes been guilty of those crimes, and have had the good fortune to escape with impunity.

It is worthy of notice, that although several kings of England exacted money from their subjects without the authority of parliament, they never pretended to vindicate those proceedings, nor alleged that, by virtue of the prerogative, they had the right of imposing taxes. Henry VIII. the most powerful and arbitrary of all the Tudor princes, disclaimed any power of this nature; and upon one occasion, when cardinal Wolsey had set on foot a project for levying a tax by the regal authority, found it necessary

to quiet the minds of the people by an express declaration, that he asked nothing more than a benevolence or voluntary contribution.

When we examine, on the other hand, the conduct of the four first parliaments of Charles, there appears no good reason for suspecting them of any design to alter the constitution. The circumstances of the crown were such, at this time, as required particular attention to every proposal for new taxes, and rendered an extreme jealousy upon this point not only natural, but proper. From the alterations which had gradually and almost insensibly taken place in the state of society, the circumstances of the people with respect to taxation had been totally changed. The old revenue of the crown was become very inadequate to the expence of government; and as the estates of individuals were liable to supply the deficiency, the nation was deeply concerned, not only to prevent arbitrary impositions, but also to limit those burdens which every member of administration had continually an interest in accu-

mulating. Like sureties for a person in hazard of bankruptcy, it was incumbent on them to watch over the principal debtor, and to prevent his extravagance. As from the charges attending the civil and military establishments, the king could never be at a loss for pretences to demand money from his subjects, it was from this quarter that they were most in danger of oppression, and had most reason to guard against the encroachments of prerogative.

The alterations, at the same time, in the military state of the kingdom, were such as rendered unusual care and vigilance necessary to preserve the ancient constitution. While the feudal vassals continued to perform the military service, the people had the sword in their own hands; and, consequently, the means of defending themselves from oppression. If after the substitution of mercenary troops to the ancient feudal militia, the nation became an unarmed and timorous multitude, without discipline or capacity for any sudden exertion, and seemed to be entirely at the mercy of the king, who levied at pleasure,

and directed the whole military force. Had no new circumstance occurred upon the side of the people, to counterbalance the additional weight thus bestowed upon the crown, their liberties could not have been maintained. But the necessities of the king requiring continual grants of money from parliament, afforded this countervailing circumstance, by rendering him dependent upon the national representatives, and obliging him to listen to the complaints of his people. It was in this manner only that the prerogative could be retained within its ancient limits.

If parliament, however, had always been ready to supply the wants of the king; if they had never stood upon terms, and demanded a rectification of abuses as the condition of their consenting to taxes; their power would soon have dwindled into a shadow, and their consent would have become a mere matter of form. They would have soon found themselves in the same state with those ghosts of national councils, who continued to hover about the courts of some European monarchies,

and were still called to give an imaginary sanction to that will of the prince which they had no longer the capacity of opposing. By good fortune, the imprudence of Charles, and still more that of his father, by discovering too plainly the lofty ideas they entertained of the regal authority, alarmed the fears of parliament; and the house of commons, by having the courage to *refuse*, preserved their privilege of bestowing the public money at a time when they had lost all other means of compulsion.

In the history of the world, we shall perhaps discover few instances of pure and genuine patriotism equal to that which, during the reign of James, and during the first fifteen years of the reign of Charles, was displayed by those leading members of parliament, who persevered, with no less temper than steadiness, in opposing the violent measures of the court. The higher exertions of public spirit are often so contrary to common feelings, and to the ordinary maxims of conduct in private life, that we are, in many cases, at a loss whether to condemn or to admire them. It may also be remarked, that in the most brilliant examples

of heroism, the splendour of the achievement, at the same time that it dazzles the beholder, elevates and supports the mind of the actor, and enables him to despise the difficulties and dangers with which he is surrounded. When Brutus took away the life of Cæsar, he ran counter to those ordinary rules which bind society together; but, according to the notions of his own age, he secured the applause and veneration of the worthier part of his countrymen. To perform a great service to our country by means that are altogether unexceptionable, merits a purer approbation; and if the action, while it is equally pregnant with danger, procures less admiration and renown, it affords a more unequivocal and convincing proof of true magnanimity and virtue. When Hampden, by an appeal to the laws of his country, exposed himself to the fury of Charles and his ministry, he violated no friendship, he transgressed no duty, public or private; and while he stood forth to defend the cause of liberty, he must have been sensible that his efforts, if ineffectual, would soon be neglected and forgotten; and that even if successful, they were less calculated to procure the ap-

plause of his cotemporaries, than to excite the admiration and esteem of a grateful posterity.

To the illustrious patriots who remained unshaken during this period, we are indebted, in a good measure, for the preservation of that freedom which was banished from most of the other countries of Europe. They set the example of a constitutional resistance to the encroachments of prerogative; accommodated their mode of defence to the variations in the state of society which the times had produced; and taught the house of commons, by a judicious exercise of their exclusive right of taxation, to maintain and secure the rights of their constituents.

SECTION II.

OF THE REIGN OF CHARLES THE FIRST, FROM THE MEETING OF THE LONG PARLIAMENT TO THE COMMENCEMENT OF THE CIVIL WAR.

The meeting of what is called the Long Parliament, towards the end of the year 1640, presented a new aspect of public affairs, and

seemed to require that the patriotic leaders of that assembly should embrace a new system of conduct. The designs of Charles had now been prosecuted for such a length of time, and displayed in such a variety of lights, as to become perfectly notorious. From his behaviour during his three first parliaments, it appeared, that though he condescended to procure money by parliamentary authority as the smoothest and safest course, he was far from acknowledging the necessity of this mode of procedure, but claimed, and whenever his occasions might require, was determined to exercise the prerogative of imposing taxes. In his intercourse, at the same time, with those assemblies, he had made no scruple to practise every artifice in his power, to intimidate them by threats, to work upon their hopes by temporising professions, and even to deceive them by direct promises. Of this there occurred a remarkable proof in the circumstances relating to the *petition of right*, a bill to which, after many evasions, he at length solemnly consented, but which he afterwards no less openly violated; a bill in which he plainly had renounced the errors of his former conduct, and

had in particular admitted, by an express and positive declaration, that the power of imposing taxes, or of levying from the people any sort of contribution or duty, was exclusively vested in parliament.

After the dismission of his third parliament, he had thrown off the mask, had avowed the resolution of reigning without the aid of those national councils; and for more than eleven years, had continued to usurp all the supreme powers of government, levying money, not only by the indirect means formerly practised, but also by the direct imposition of taxes, and issuing royal proclamations, to which he required the same obedience as to acts of parliament. During this period he altered, both in England and in Scotland, the established forms of religious worship and the system of church government; and by the interposition of the star-chamber, or by his corrupt influence over the ordinary tribunals, he often inflicted the most arbitrary and illegal, as well as barbarous punishments upon those individuals who had the courage to thwart, or in any shape to oppose his measures.

His behaviour to his fourth parliament

served only to show, that, while he remained immoveable in his plans of despotism, he had not relinquished his disposition to artifice and duplicity.

Such had been the conduct of Charles, and such was the character of that monarch, which had been deeply impressed upon the great body of the people, when the defeat of his forces by the Scottish army obliged him to call another parliament within a few months after his angry and contemptuous dissolution of the former. The indignation and resentment of the nation were now raised to such a pitch as to overbear the court influence in the greater part of elections, and to produce in this assembly a prodigious majority, resolutely determined to restrain the arbitrary measures of the sovereign.

From the transactions of this and of the preceding reign, it was now become evident, that the preservation of public freedom required more effectual measures than had been pursued by former parliaments. By refusing supplies, the house of commons might occasionally extort from the king a promise to correct the abuses of administration; but experience had

shown that no practical benefit could result from promises to which he paid so little regard, and which he might so easily violate with impunity. Those difficult situations, in which the king was obliged to solicit the parliament for money, were now likely to occur but seldom, since he had found that, by other methods less disagreeable to himself, he was capable, in ordinary cases, of supplying his wants. These methods, indeed, were illegal and unpopular, but they had been frequently repeated with success, and had for a considerable period been continued without interruption. The danger of such precedents had now risen to an alarming height; and as, on the one hand, it was hardly to be expected that the monarch would stop short in that career which he had hitherto maintained, so, on the other, it was to be feared that the people, whose feelings are but little affected by evils which do not strike their senses, would be gradually reconciled to these innovations, and that the sanction of custom would at length be pleaded in support of measures totally subversive of the constitution.

Though the English government had im-

memorially exhibited the plan of a limited monarchy, and had so distributed the chief powers of the state as mutually to check and controul one another; yet, from want of experience and foresight, the workmanship was, in several of its minuter parts, far from being so complete and perfect as to preclude every kind of irregularity or disorder. By committing the powers of legislation and taxation to parliament, and the supreme judicial power to the house of lords, it seems to have been thought that the ministerial or executive power of the king would be kept in proper subordination; and probably no suspicion was entertained of the numerous artifices by which he might elude the superintendance of his great council, or of the different expedients to which he might resort for establishing an independent authority. But after the decline of the aristocracy under the reign of the Tudor princes, it was found that the precarious appointment of the inferior judges gave him an absolute sway over the courts of justice; and upon the disuse of the ancient feudal service, after the accession of the house of Stuart, the direction of the mercenary forces, the number

of which was likely to be continually increasing, afforded him an engine which was becoming daily more effectual for enforcing his measures, and for controuling all opposition to his will.

At this alarming crisis, therefore, when the king had made such formidable advances towards the introduction of despotism, it was the indispensable duty of parliament to redouble its efforts, and to study more effectual measures for opposing his designs. It was no longer sufficient, for this purpose, to repel the encroachments made by the crown, and to re-instate the government in the situation which it had maintained before the late innovations. The parliaments had hitherto stood entirely upon the defensive; it seemed now high time that they should attack in their turn, and endeavour to disarm an adversary so persevering, so watchful, and so powerful. It was not enough that they should fill up the breaches which had been made, and repair the fortifications which had been demolished; but in providing for future security, it was necessary to fortify the constitution in those avenues and passes which had formerly been

left most open and defenceless; and at the same time to dispossess the prerogative of those particular stations, from which there appeared the most imminent danger of invasion.

Such appear to have been the leading views of that celebrated parliament, which met in the latter part of the year 1640, and of whose conduct political writers, according to their different inclinations and *systems*, have given such opposite representations.

Their first measure was to attack those ministers who had been chiefly instrumental in the late proceedings of the crown. That these might with propriety be called to account for the part they had acted in the course of their administration, was indisputable; and that they, rather than the sovereign, should suffer punishment for the abuses or misdemeanors which had been committed, was an acknowledged maxim of the English government. It was accordingly resolved, that Strafford and Laud, the two persons who had enjoyed the principal share of the king's confidence, the one in civil, the other in ecclesiastical matters, should be impeached; and,

for this purpose, they were immediately taken into custody.

Many circumstances contributed to render Strafford the general object of popular odium and resentment. He had been a distinguished leader of the patriotic party; and had been seduced by the court to abandon his principles, and join the standard of prerogative. In those times, when the spirit of patriotism had risen to so high a pitch, and when the minds of men were so heated with an enthusiastic love of liberty, a political renegado, who had betrayed the cause of his country, and had descended to become a vile instrument of that oppression, against which he had declaimed and struggled with so much vehemence, could not fail to draw upon himself a double portion of that indignation which the measures of the crown had excited; and as this apostacy happened soon after the dissolution of Charles's third parliament, that is, at the very period when the arbitrary and despotical views of the monarch had been, in the most unequivocal manner, proclaimed to the whole nation, and when attempts, by the court, for gaining other eminent members in opposition, had been

repulsed with disdain, it was beheld in circumstances of peculiar aggravation, and marked with indelible characters of infamy. The haughty and insolent temper of Strafford contributed, at the same time, to procure him many personal enemies; not to mention, that his known abilities and vigour, which had raised him to the head of administration, gave real apprehension to all such as were anxious to guard against the encroachments of prerogative.

Against the condemnation of this minister, much has been said and written, which, in the present age, will hardly be thought worthy of a serious refutation. That *the king can do no wrong* was, even at this time, understood, in the ordinary course of administration, to be a constitutional maxim: From which it follows, as a necessary consequence, that his ministers must be responsible for all the abuses committed by the executive power. No person, according to this rule, could suffer more justly than the Earl of Strafford, who had been confessedly the king's principal and confidential minister, and whose administration demonstrated a deep-laid and regular system

to subvert the constitution. It may be asked, what crime deserves a capital punishment, if this does not?

The clamour, therefore, which was raised against the punishment of that nobleman could have no foundation in the principles of material justice. It could only relate to the forms of procedure by which he was tried and condemned. And here it is remarkable, that the chief handle for objection was afforded by the extreme anxiety of the commons to proceed with great circumspection, and to conduct the trial in such a manner as would avoid any ground of complaint.

With respect to the facts upon which the accusation was founded, instead of resting upon a general statement of the arbitrary measures pursued by the crown during the period when Strafford was a principal and confidential minister, about which there could be no dispute, the commons thought proper, for the satisfaction of the public, to bring a specific charge of particular violations of the constitution, to which he had been accessary, either as an adviser, or as an immediate actor; and the proof

which they afterwards adduced in support of one of the chief of those articles, was alleged to be defective. Strafford was charged with having said, in council, that the king was now *absolved from all rule of government, and to do whatever power would admit;* and with having advised his majesty *to go on vigorously in levying ship-money*, and to employ the forces in Ireland for *reducing this kingdom to obedience*. Other expressions of a similar import were imputed to other members of council. Sir Henry Vane, the secretary, had taken short notes of this debate; and from these, which were accidentally discovered by his son, a copy was produced on the trial. It appears from Lord Clarendon, that some of the words alluded to, *of a high nature*, according to his expression, were remembered by the Earl of Northumberland, another member of council; but the rest were not recollected by any person present, except Sir Henry Vane; nor by him, till after repeated examinations. It was contended, however, that the notes added to this verbal testimony should be held equivalent to two witnesses, which, by the

law of England, are necessary in proofs of high treason *.

* See Clarendon's Hist. Vol. I.—Whitlock's Memorials—Parliamentary History, Vol. IX.

The title of the notes was, *No danger of a war with Scotland, if offensive, not defensive.*

Then followed the opinions marked as below.

"K. C. How can we undertake an offensive war, if we "have no more money?

"L. L. Ir. Borrow of the city 100,000l. Go on vi- "gorously to levy ship-money; your majesty having "tried the affection of your people, you are absolved and "loose from all rule of government, and to do what "power will admit. Your majesty having tried all ways, "and being refused, shall be acquitted before God and "man: and you have an army in Ireland that you may "employ to reduce this kingdom to obedience; for I am "confident the Scots cannot hold out five months.

"L. Arch. You have tried all ways, and have always "been denied; it is now lawful to take it by force.

"L. Col. Leagues abroad there may be made for the "defence of the kingdom: the lower house are weary "of the king and church: all ways shall be just to raise "money by, in this inevitable necessity, and are to be "used, being lawful.

"L. Arch. For an offensive, not any defensive war.

"L. L. Ir. The town is full of lords. Put the com- "mission of array on foot; and if any of them stir, we "will make them smart."

The evidence arising from these notes, however in-

In prosecuting the impeachment of Strafford, some doubts came to be suggested, whether the facts imputed to him, though cer-

formal, can hardly fail to produce conviction. They were apparently taken when the debate happened, immediately after the dissolution of the preceding parliament, and some months before there could be any view of trying the Earl of Strafford. Their authenticity is supported by the parole testimony of Sir Henry Vane, the secretary, by whom they were taken, and who, being present, as a member of council, was an accomplice in the conspiracy, and had therefore an interest to conceal the fact. This circumstance, together with his oath, as a privy counsellor, to secrecy, accounts for his reluctance to reveal the truth. His testimony, at the same time, with respect to some expressions *of a high nature*, in the foregoing dialogue, appears, by the admission of Clarendon, to have been confirmed by that of the Earl of Northumberland, another privy counsellor, and an unexceptionable witness. Thus a full proof being brought of some important parts of the dialogue, though it is not ascertained which these are, the credibility of the notes must be strongly established as to other parts where we have only one witness.

But what must contribute, above all, to remove any doubt concerning the authenticity of the notes, is the probability of their contents, from the situation and past behaviour of the king and his ministers. The expressions used by the different speakers tally exactly with their for-

tainly deserving the highest punishment, amounted, by the common or statute law of England, to the specific crime of high treason with which he was charged. According to the rude conceptions introduced into all the feudal monarchies of Europe, the crime of high treason could only be committed *against the king*; and it was alleged, that a charge of this nature was not applicable to the conduct of Strafford, who had, indeed, invaded the constitution, and subverted the fundamental laws of the kingdom, but who had acted, all along, with the perfect concurrence of the sovereign, and in direct obedience to his will. These doubts were, surely, very ill founded; since it is obvious that, by the presumption of

mer conduct. The measures proposed are nothing but the continuation, and the natural consequence of those which had been pursued by administration for eleven years past; and the embarrassment produced, immediately upon the dissolution of the fourth parliament of Charles, was likely to occasion a consultation of the nature that is reported.

It is unnecessary to add, that the interlocutors referred to are clearly King Charles, the Lord Lieutenant of Ireland, the Archbishop of Canterbury, and Lord Collington, and that the designs which they express are subversive of the constitution.

law, the king, in pursuance of his duty, must be supposed at all times ready to defend the constitution, and consequently exposed to the hazard of losing his life in its defence. Whoever, therefore, attempts to overthrow the constitution, may be held, in the construction of the law of Edward the Third, to *compass or imagine the death of the king;* and this although in any particular case the king should betray his trust, and, instead of defending the government, should combine with its enemies in promoting its destruction. But how ill founded soever the opinions of those may be who opposed the impeachment upon this ground, it was thought advisable to comply with their pretended scruples, and to carry on the prosecution by a *bill of attainder*. This mode of trial is, doubtless, very liable to abuse, and ought never to be admitted, unless in cases of extraordinary necessity. It does not appear, however, that Strafford was, in consequence of it, subjected to any peculiar hardship. The proof of the facts was investigated, not only by the commons, but also by the lords, the same judges by whom it would have been determined in the case of an

impeachment; and before passing the bill, the judges delivered their unanimous opinion, *that upon all which their lordships have voted to be proved, the Earl of Strafford doth deserve to undergo the pain and forfeitures of high treason by law**.

The consent given by Charles to this bill, and his yielding to the execution of his favorite, could not fail to strike all his adherents with consternation and astonishment, and have been considered, even by those who view his conduct with the most extreme partiality, as a great blot upon his character. If we suppose that Charles was now a real convert from his former principles; and that, weary of so disagreeable a contest, he had relinquished the system of establishing an absolute government; it is natural to think that he would have met with no difficulty in giving complete satisfaction, both to parliament and the nation, without abandoning the life of a minister whom he had seduced into his service, and whose fidelity to him was his only crime. But if this monarch still persisted in his ambitious designs; if his present concessions to

* Parliamentary History, vol. ix. p. 2.

parliament were no more than temporary expedients for procuring the supplies which he wanted; and if the death of Lord Strafford was merely a sacrifice, to avert the national resentment, and, by a seeming atonement for past offences, to deliver the king from his present embarrassment; if this, as there is good reason to believe, was the real state of the fact, it is hardly possible for imagination to figure a more glaring instance of meanness, of perfidy, and of barbarity.

It will throw light upon the feelings of this monarch to recollect the terms of a letter which, after he had given his consent to the bill of attainder, he wrote, with his own hand, to the house of peers, expressing a strong desire that Strafford's life might be spared. The letter concludes with this extraordinary postscript: "If he must die, it were charity to reprieve him till Saturday." The only apology that has been invented for this brutal indifference is, that the postscript was probably dictated by the queen, who, it seems, bore no good-will to Strafford*.

* See Life of Charles I. by William Harris.—King Charles's Works, p. 138; Burnet's Hist. vol. i.

The condemnation and execution of archbishop Laud were delayed for some years; and in perusing the history of those times, the rigorous punishment of this old and infirm ecclesiastic, when the contest had come to be decided by force, is apt to be regarded as an unnecessary strain of severity. He had not the same abilities with Strafford, to render him formidable; nor had his character been in the same manner rendered odious by political apostacy. He was, however, the firm associate and coadjutor of that nobleman, and was equally guilty of a deliberate attempt to subvert the constitution; nor can it escape observation, that, from the department in which he acted, the superintendance of the great machine of the hierarchy, he was capable of doing more mischief, by poisoning the minds of the people, and sowing the seeds of a tyranny more luxuriant, more extensive, and more deeply rooted. The vigour, the activity, and the high sentiments of liberty which, from the beginning of this parliament, had been displayed a great majority of its members, were at the same time warmly and uniformly supported by the general spirit which prevailed throughout the

nation. Petitions against the arbitrary measures of the court pouring in from every quarter, contributed to animate the commons in their endeavours to reform abuses. The other ministers and instruments of Charles were either forced, by flight, to save themselves from the terrors of an impeachment, or, if their obscurity rendered them less obnoxious, they remained in silent apprehension, lest, by opposing the popular current, they might provoke their destiny.

The lower house proceeded unanimously to declare, that the imposition of ship-money by the king was contrary to the fundamental laws of the kingdom; and that the sheriffs, who had issued the writs on that occasion, as well as the persons who had been employed in levying the tax, were liable to punishment. In this declaration they were joined by the unanimous voice of the peers, who farther ordained that the judgment given in Mr. Hambden's case should be cancelled in their presence. A similar judgment was passed upon the levying of tonnage and poundage, without consent of parliament, and upon the late collectors of this duty, and, in order to ascertain, for the future,

the exclusive power of that assembly, in this respect, the tax was now voted for two months only, and afterwards renewed for very short periods. The enlargement of the forests, the revival of monopolies, which had been lately abolished by the legislature; every illegal method of raising money, or unwarrantable exertion of prerogative; the arbitrary interposition of the star-chamber, and high-commission, and the corrupt and oppressive decisions of the ordinary judges, were subjected to severe scrutiny, and stigmatized with strong marks of disapprobation and censure *.

These resolutions and declarations were sufficient to demonstrate the sentiments of parliament, and of the nation; but hitherto no provision had been made against the future encroachments of prerogative. The government was not in a better condition than at the time when the petition of right had passed into a law; and the public had no security against the monarch, after being freed from his present embarrassment, renewing his former pretensions, and resuming that system of conduct which he had been compelled to abandon.

* See Hume.

From the time when the great body of the people had acquired a degree of opulence and independence, the frequent meetings of the national council had been deemed essential to the preservation of liberty. During the sitting of parliament the attention of the community was awakened to political discussions; the proceedings of the executive power were scrutinized, and held up to public notice; and the nation was possessed of a great organ, by which its grievances and its demands could be communicated to the monarch, with a force and energy often irresistible. But, in the intervals between those great councils, the voice of the legislature was not heard; there existed no superior power to controul the abuses of administration; no monitor to warn and rouse the people in defence of their privileges; and the usurpations of the crown, if cautiously conducted, and artfully disguised, were likely in many cases to pass unobserved. If the country was maintained in peace and tranquillity; if arts and manufactures were protected, and continued in a flourishing condition; if the inhabitants did not feel themselves grossly oppressed or injured in their private rights; they were not

apt to testify much uneasiness from the illegal measures of government, or to complain even of clear and palpable violations of the constitution.

To avoid the meetings of parliament, therefore, became the great object of the crown; in the prosecution of which, Charles had been so successful, as for a period of more than eleven years to have avoided the necessity of calling that assembly. The very mention of parliaments, during this period, was regarded as a kind of sedition, and upon that account strictly prohibited. It is not surprising that, in the present emergency, when the king had been obliged to renounce those heretical doctrines, and to solicit once more the assistance of his national council, it should have been thought indispensably necessary to prevent the recurrence of measures so completely despotical, and effectually to secure this great palladium of the constitution.

While the feudal aristocracy remained in its vigour, the barons, who were the principal part of this council, were not very anxious about the regularity or frequency of its meetings. Relying upon the number and fidelity

of their vassals, they trusted more to their prowess in the field, than to their eloquence or address in the cabinet. We find, however, so early as the reign of Edward the Third, a provision by two several statutes, that parliaments shall be held *once every year, or oftener, if need be**. This law had never been repealed, though, from the state of the kingdom, for several centuries, it had excited but little attention. When the commons had acquired some weight in the constitution, they generally threw themselves into the scale of the prerogative; and it became as much the interest of the king to call frequent meetings of parliament, as it was that of the barons to avoid them. This was the case during the latter part of the Plantagenet line, and under the whole government of the Tudor princes; during which, it should seem that this point had never become the subject either of discussion or controversy. But after the accession of the House of Stuart, when the interest and views of the different branches of the legislature underwent a total revolution, it

* 4 Edw. III. c. 14. 36 Edw. III. c. 10.

was natural for the house of commons to look back to those ancient statutes by which the annual meetings of parliament were secured. They did not, indeed, think proper to insist upon a literal observance of that regulation; but making allowance for the difference of times and circumstances, they were willing to admit such variations as might render it consistent with the ease and convenience of the crown. Instead of calling parliaments annually, it was thought reasonable that the king should, at least once in three years, be obliged to convene those assemblies; and a bill for that purpose was introduced by the commons, and passed through both houses. To secure the observance of this regulation, it was provided, that if the chancellor failed to issue writs every third year, any twelve peers might exercise that power; that, in their default, the sheriffs and other returning officers might summon the electors; and, lastly, that the voters, if not summoned, might assemble of their own accord and elect representatives. It was further provided, that after the two houses of parliament had met, they should not, without their

own consent, be either prorogued or dissolved within the space of fifty days.

While this and other salutary regulations were under the consideration of parliament, there was good reason to apprehend, what had happened on so many former occasions, that their deliberations, however important, might be cut short by a sudden dissolution. Unless they could guard against this fatal interruption, it was needless to propose a reformation of abuses; and while their members exposed themselves to great personal danger from the resentment of the crown, there was nearly a certainty that their labours would be rendered abortive. The necessity of the case, therefore, appeared to justify an extraordinary precaution, and a bill was carried through both houses, importing, that until the present grievances were redressed, they should not, without their own concurrence, be dissolved*.

Among the various tools employed by Charles for the execution of his measures, the readiest, and the most subservient to his pur-

* Whitlock's Memorials, page 45.

poses, were the courts of star-chamber and high-commission.

The former of these tribunals arose from an idea entertained by the lawyers of an early age, that the rules of criminal justice could not be extended to the numberless instances of delinquency which occur in society; and that, of consequence, a discretionary power was necessary for taking cognizance of extraordinary offences. This jurisdiction was naturally assumed by the king and privy council, with the assistance of his ordinary judges, or of such individuals as he thought proper to call in particular cases.

It is probable that, in the infancy of judicial procedure, when the ordinary courts, from their narrow experience, were extremely cautious and timid in explaining the rules of justice, or when, from a suspicion of their partiality, it appeared expedient to limit and circumscribe their decisions within the strict letter of the law, this ultimate remedy, to supply the defect of every other jurisdiction, a remedy which probably was applied very sparingly, and with great moderation, proved of signal advantage to the public. It is remark-

able that, even in the days of Lord Bacon, the interposition of the star-chamber, which had then been rendered more extensive than formerly, are highly extolled by that eminent lawyer and philosopher.

In the progress of society, however, the rules of law were gradually enlarged and extended to a much greater diversity of cases; and courts of an undefined and arbitrary jurisdiction, as they were found highly inconvenient and dangerous, became, at the same time, superfluous and useless. But of all the tribunals invested with discretionary powers, that of the star-chamber appeared the most liable to abuses. The particular crimes, or offences, which chiefly fell under its cognizance, were such as immediately affected the interest of the crown; so that while the court was confessedly tied to no rule, the judges were either parties, or, what amounts to the same thing, under the direction of a party. It happened, therefore, as might be expected, that whenever the king adventured to stretch his prerogative beyond the bounds of law; when he wished to levy money under the pretence of a loan or benevolence; when he wanted to enforce the

royal proclamations, and put them upon a level with acts of parliament; or when he was disposed to punish any person who, by opposing his measures, or by sounding an alarm to the people, had incurred his displeasure; in all such cases this was the court to which he applied, and in which he never failed to procure a decision according to his wishes. A tribunal of this nature was a sort of excrescence, whose polluted and cancerous fibres were likely to contaminate the whole constitution, and which, independently of the distempers of the present reign, there was an urgent necessity to lop off and eradicate.

The high-commission, as was mentioned in a former part of this discourse, had obtained a similar province in spiritual, to that of the star-chamber in temporal matters. During the first fervour of religious reformation, it had been thought expedient that government should controul and direct the faith of individuals; and that a court should be appointed for the sole purpose of restraining heresies, as well as for punishing all offences against the order and dignity of the church. This tribunal was at first levelled principally

against the Roman Catholics; but came afterwards to be a weapon, in the hands of the clergy, and consequently of the sovereign, for the support of the hierarchy, and for depressing those branches of the sectaries which had become eminent or obnoxious. Being in reality a court of inquisition, unconfined by rules, and actuated by the love of clerical domination, as well as by that rancorous hatred which is the offspring of religious controversy, its proceedings in the department belonging to it, were, if possible, still more oppressive and arbitrary than those of the star-chamber; at the same time, having assumed the power of enforcing its decrees by fine and imprisonment, it was enabled to acquire a most extensive authority. The same observation, which already has been made with respect to the star-chamber, is also applicable to the court of high-commission; that it proceeded from conjunctures which had now ceased to exist. Whatever might be the pretences, during the heat of controversy, at the beginning of the reformation, for establishing such an extraordinary jurisdiction, these could have no place after the new system of

religion had obtained a complete victory, and gained a full and peaceable establishment. Amid the disorders which are apt to accompany a violent revolution, there may be some excuse for the exercise of such irregular and arbitrary powers as would be altogether inadmissible and intolerable in times of peace and tranquillity.

It was thought proper, therefore, by the unanimous voice of both houses of parliament, to abolish those courts; a measure, which the changes in the state of society would have recommended even at a time when no danger was apprehended from the encroachments of prerogative; but which, in the present circumstances of the nation, and under the impression made by the conduct and temper of the monarch, appeared immediately and indispensably necessary.

To all these important bills the king was prevailed upon to give the royal assent; and if he had done nothing, in the mean time, to call in question the sincerity of his compliances, it is probable that parliament, and the nation, would have been satisfied with the redress which they had procured, and with

the amendments on the constitution which had been introduced. But they soon found reason to believe, that, in these concessions, the monarch was far from being sincere. When Charles called this parliament, he must have expected a good deal of clamour; that grievances would echo from every quarter; and that liberal promises of redress and amendment, as a previous step to obtaining supplies, would be unavoidable. For all this, it is not unlikely, he was prepared; and had made a virtue of necessity. But when he saw that the regulations proposed by parliament struck at the root of all his projects; carried their defensive operations into all the departments of the state; and would effectually prevent his recurring to those expedients which he had formerly employed in the extension of his prerogative, he was thrown into the utmost consternation and perplexity. Parliament had now shewn that they would grant no money except upon their own terms; and such was the tide of popular opinion, that, without their consent, no considerable supplies could be expected. There seemed only to remain, therefore, in his present situation, the alterna-

tive of abandoning altogether his design to change the constitution, or of endeavouring, by some desperate enterprize, to extricate himself from the surrounding difficulties.

The Scottish army, which, after its success, had penetrated into England, and still remained in the country, had not only been the cause of summoning the present parliament; but also, by its well known disposition to support the popular party, had contributed to promote the vigorous and spirited resolutions of that assembly. The English forces, on the other hand, were not yet disbanded; and though their late discomfiture had been chiefly imputed to their not being hearty in the quarrel, it was believed that, by sowing a national jealousy between the two armies, and by representing parliament as partial to the Scots, the English might be gained over to the interest of the king. To this end a conspiracy was formed by several military officers of distinction, together with certain agents employed by the queen; and it was concerted, as there is good reason to believe, that the English army should be brought up to London, in order to take possession of the tower, to overawe the

parliament, and to procure a permanent settlement of the king's revenue. As the plan was never carried into execution, some doubts have arisen concerning the precise view and intention of the conspirators. But that they intended, in some shape or other, to employ the army for the purpose of preventing the two houses of parliament from prosecuting the measures in which they were engaged; that they meant to controul the deliberations of the legislature, by the terrors, or by the actual interference of a military force, there can be no room to doubt. It appears also to be proved beyond the shadow of controversy, notwithstanding the awkward attempts of some authors to conceal or disguise the fact, that this project was communicated to the king, and carried on with his approbation and concurrence*.

* The greater part of the conspirators made their escape. Percy, one of the chief of them, wrote to his brother, the Earl of Northumberland, a letter dated 14th June, 1641, in which he confessed the principal facts alleged. Goring, another conspirator, was laid hold of, and repeatedly examined by the commons. His deposition, though he endeavours to palliate his own conduct in the transaction,

The discovery of this plot, which happened while the king was apparently pursuing a system of conciliation with his great council, and was pretending heartily to agree in the schemes proposed for the redress of grievances, opened up a scene of dissimulation and perfidy, which could not fail to excite the most alarming apprehensions. What confidence could be reposed in the professions of a prince who solicited, in secret, the assistance of the military power, to deliver him from those regulations and measures with which he publicly expressed his entire satisfaction?

This incident was followed immediately by the insurrection of the Roman Catholics in

tallies in good measure with Percy's letter. The draught of a petition, from the army to the king and parliament, had been privately communicated to Charles, and countersigned by him, with the letters C. R. in token of his approbation. See the whole of the depositions relative to this transaction, in Rush. Col. vol. IV.

It has been observed, upon this subject, that neither Goring, upon his examination, nor Percy in his letter, were thought by Charles to have said too much. Since the former was continued in his government of Portsmouth, and the latter afterwards made a lord, and master of horse to the Prince of Wales. See Harris's life of Charles I.

Ireland, and the massacre of their protestant fellow subjects. Whether Charles had promoted and instigated this insurrection, as was pretended by the insurgents, appears not very easy to determine. That he had any share in the bloody tragedy which was acted upon that occasion, his bitterest enemies have never alleged. But, considering the views of this monarch, it was natural to suspect, that he secretly wished the Roman Catholics, to whom he had shewn so much favour, to take up arms in defence of his prerogative; or even that he might propose to reap some advantage, by having a pretence for setting himself at the head of an English army to march against the insurgents. The transactions which he afterwards concluded with the Irish rebels, or which were concluded in his name, have rather a tendency to confirm this unfavourable suspicion*. But whatever opinion, upon this point, we may at present be disposed to entertain, it is not surprising, that,

* See the facts respecting the accession of Charles to the Irish insurrection—Rapin's history of England—Macauley's history of England—Harris's life of Charles I. —On the other hand, the vindication of Charles in Hume's history of England.

from the character of Charles, and his equivocal behaviour, such reports to his prejudice, which were then universally, and perhaps maliciously circulated, should have made a strong impression upon the public, and increased the general anxiety and terror respecting the danger to which the constitution was exposed.

In their efforts to restrain the encroachments of prerogative, the parliament had been constantly opposed and obstructed by the votes of the bishops in the upper house, and by the interest of the clergy throughout the nation. The puritans, on the other hand, had been uniformly distinguished by their zeal in opposing the measures of the court, and in supporting the claims of parliament. It is no wonder, therefore, that the real friends of the constitution were irritated and provoked by the former, and warmed with sentiments of gratitude and affection towards the latter. The presbyterians and independents in the house of commons formed, at the same time, a numerous party, whose political principles were unavoidably warped by their religious tenets, and who, doubtless, were glad of any pretence for invading the hierarchy.

But, independent of all party connections, and party prejudices, the circumstances of that critical period might naturally give rise to a question, how far the secular power of the bishops was consistent with sound policy; and whether, considering their strong propensity to support the arbitrary measures of the king, their interposition, as members of the house of peers, was not likely to prevent the establishment of any permanent system of liberty.

According to the principles of the ancient feudal system, the dignified clergy, being possessed of large estates, enjoyed an extensive jurisdiction over their tenants and vassals, and were, equally with the lay-barons, entitled to vote in the great assembly of the nation. By their situation they were, at the same time, independent, in a great measure, of the civil power; and having a separate interest from that of the king or of the nobles, they claimed a distinct voice in the legislature, and formed one of the three estates of the kingdom.

But the revival of letters, and the religious reformation which followed the improvement of arts and manufactures, produced a great revolution in the circumstances of churchmen,

and in the rank and dignity which they held, either as members of parliament, or of the nation at large. The dissipation of the clouds of superstition which formerly hung over the minds of men, had greatly diminished the spiritual influence of those ghostly fathers. The dignified clergy were now in the appointment of the crown, and the whole order looked up to the sovereign as the great source of their preferment. So far were the bishops from constituting a separate estate and maintaining a distinct negative in the national council, that they were become subordinate to another branch of the legislature; and their weight was now uniformly thrown into that scale which it had been formerly employed to counterbalance. Whatever was the original purpose, therefore, of bringing the bishops into parliament, this could no longer be served; but, on the contrary, was likely to be counteracted and frustrated by their continuance in that assembly. If they had formerly maintained a proper balance between the different powers of the state, it was evident that, by a reverse of situation, their exertions were now calculated

to produce the opposite effect, and to destroy this equilibrium.

With equal reason it might be contended, that the higher officers of the army and revenue, as that the dignified clergy should, in virtue of their places, have a seat in parliament; since both of those classes depend equally upon the crown for their emolument and rank; and since the former are not in more hazard than the latter of being influenced by those motives of private interest which govern the greater part of mankind.

There is, at the same time, no pretence for allowing the church, considered as a great corporation, to send representatives to the national council. Supposing the ecclesiastical to be distinct from the temporal interest, and to require a separate management, an effectual provision was made in its favour by the right of holding *convocations;* which, at the period now under consideration, exercised, as will be observed more fully hereafter, the exclusive privilege of taxing the clergy. But in reality there is no ground for bestowing upon the church, or any other societies, in their collective capacity, any peculiar share in the legisla-

ture farther than is enjoyed by the individuals of which they are composed. If the inhabitants of a country are singly possessed of a due proportion of political power in the election of representatives, this will enable them to take sufficient care of their interest, even so far as they happen to be united in corporate bodies; and it should seem that such corporations have no just claim to any additional representation.

Had the bishops, on this great emergency, behaved with common discretion; had they shewn, in the numerous important questions which occurred, a decent regard to the public interest; had they not, in fact, shewn themselves to be the mere tools of the monarch, determined to persist, without shame or scruple, in promoting his designs; it is highly probable that their privileges, however inconsistent with the present state of ecclesiastical livings, would never have been invaded, and that no attempt would have been made to deprive them of their seats in parliament. But, as they had inlisted under the banner of despotism, their political power became a sacrifice to that limited monarchy which parliament had resolved to establish.

In this particular, however, the opinions entertained by the real friends of the constitution being more various, the attempts to diminish the power of the bishops were prosecuted with less unanimity than had appeared in relation to the other measures for setting bounds to the prerogative. A bill was first passed in the house of commons to restrain persons in holy orders from intermeddling in secular affairs; but this was rejected in the upper house. Another bill was introduced for abolishing entirely the power of bishops, and of all other ecclesiastical dignitaries: this was unsuccessful among the commons themselves.

These attacks were followed by an accusation of high crimes and misdemeanours against the bishops who had been concerned in the establishment of the late ecclesiastical canons, and in other innovations with respect to the discipline of the church; and this charge was accompanied by a demand on the part of the commons, that those prelates, during the dependence of the trial, should be excluded from the privilege of voting in parliament. The resentment of the populace, in the mean time, occasioned such tumults, that the bishops,

finding it unsafe to appear in public, had the imprudence to present to the king and to the peers a protestation that all proceedings in parliament, during their absence, should be held null and void. This was considered by both houses as a violent attempt to subvert the fundamental laws of parliament; and was made the subject of an impeachment for high treason, upon which those prelates were taken into custody.

By the progressive measures which had already been executed, or which were manifestly in contemplation of the patriotic party, it should seem that the patience of Charles was entirely exhausted, and that he was no longer able to maintain the temporising system of dissimulation which he had hitherto practised. In spite of every prudential consideration, and throwing aside all regard to consistency of conduct, he now appears to have taken a resolution of yielding to the violence of his temper, and attempting by force to subdue all opposition. Having suddenly given orders that Lord Kimbolton, among the peers, and five members of the house of commons, should be accused of high treason, and having sent to the

commons to demand that these five members should be delivered up to him, to which message no positive answer was returned, he came next day with an armed retinue into the lower house; and having occupied the chair of the speaker, he demanded to know whether any of these members were present, declaring, "that he must have them wheresoever he "could find them*."

The warmest friends of Charles have condemned this measure as the height of rashness and folly; but they would gladly overlook the chief point of view in which it deserves to be considered, as affording complete evidence of the arbitrary principles by which he was governed, and of the secret motives by which, in all his transactions with parliament, he had hitherto been actuated. The guilt imputed to these individuals, it was well known, consisted of the share they had taken in the deliberations and resolutions of that assembly; and with equal reason the same charge might have been brought against the majority of both houses. So far was he, therefore, from regarding the

* See Whitlocke and Rushworth.

late acts of parliament, which he had confirmed by the sanction of royal authority, as binding either upon him or upon the nation, that he held those regulations to be the most atrocious offences; and looked upon every person who had been accessary to their introduction as liable to a capital punishment.

The views and principles of Charles were not more apparent from the nature of this accusation, than from the manner in which it was conducted. That the king should not, in any shape, interfere in the deliberations of parliament, was a maxim understood in the former reign to be fully settled. But that, with an armed force, he should come in person into the house of commons to intimidate its members, and, without farther ceremony, to seize and imprison those individuals who, by their conduct in parliament, had incurred his displeasure, was an exertion of despotic power and violence of which no precedent occurred in the annals of parliament, and which plainly intimated that the king, by his prerogative, might at pleasure dispense with all the privileges of that assembly.

That the members of parliament were not exempted from prosecutions, either for high treason, or for other great crimes, was universally admitted; but when an accusation was brought against them upon points relating to their conduct in that assembly, it was thought requisite, as a preliminary step, that the house of parliament to which they belonged, should be satisfied concerning the grounds of the charge, and should deliver up its respective members to justice. If this form were not held indispensably necessary, the freedom and independence of parliament must be destroyed; as, in critical questions, it would always be in the power of administration, by sudden and groundless accusations, to deprive the legislature of such members as had rendered themselves obnoxious, and were most likely to frustrate the measures of the crown. No danger, on the other hand, could with reason be apprehended from this privilege of parliament; for it never could be supposed that, when a crime of an atrocious nature had really been committed, the majority of either house would be so corrupt, or so foolish, as to oppose the trial of its members.

By the alarm and commotion which this extraordinary measure excited in the city, and through the nation, Charles was at length convinced of its imprudence; but he found that the impression which it had made was not to be erased by appearances of repentance, nor even by professions of future amendment. The bill for depriving the bishops of their seats in parliament now passed the house of peers; and to this the royal assent was given without delay. According as the behaviour of the king had created a stronger suspicion of his designs, it seemed necessary to lay a greater restraint upon his actions; and the commons accordingly rose in their demands. Nothing less than the obtaining some influence over the military force of the kingdom was now capable of yielding them satisfaction; and as, notwithstanding the disuse of the feudal services in the field, there still remained a shadow of the ancient militia, under the command of the lieutenants of counties, a bill was carried through both houses, containing a nomination of those officers, and rendering them accountable for their conduct to parliament. The authority

acquired by this regulation was intended to counterbalance, in some degree, the direction of the mercenary troops with which the sovereign was invested. But though Charles was desirous, by his concessions, to regain the confidence of the nation, he could not be prevailed upon to relinquish a branch of prerogative so essential to his darling schemes; and he rather chose to hazard a new rupture than give his assent to the bill.

Both parties now began to despair of settling their differences in an amicable manner; and looking forward to another, and what seemed a more effectual method of decision, endeavoured to collect a military force. The king retired to York, where he was attended by such of the nobility and gentry as were disposed to support his pretensions. The parliament, wishing to secure a magazine of arms, took possession, for that purpose, of Hull, by appointing a governor of the place under their own direction. The subsequent remonstrances, or proposals of accommodation, which passed upon either side, are of little moment; as no other benefit seems to have been expected from them than merely to

procure delays, or to create an impression throughout the nation, which might be favourable to the warlike preparations either of the king or parliament.

Whoever examines with attention the proceedings of this parliament, from their first meeting to the commencement of the civil war, will easily perceive that their views were somewhat different from those of the four preceding parliaments; and perhaps will find reason to conclude, that they did not continue, throughout the whole of this period, invariably the same. It was the object of this parliament to reform such parts of the constitution as were grossly defective; but their plan of reformation was necessarily varied and extended according to the pressure of circumstances; and in proportion to their discoveries of the hazard to which they were exposed from the temper and disposition of the king, they were led to insist upon a greater limitation of his powers. How far they were justified in all their demands, has been the subject of much controversy. To judge candidly of their behaviour, we must enter into the situation in which they were placed, and make

allowance for the difficulties with which they were surrounded; we must also make allowance for the passions under which they were obliged to form sudden resolutions; for the jarring opinions, the irregular influence, and the accidental humours of individuals; for the slippery ground of popular favour upon which they stood, and for the errors and prepossessions from which, in an age when philosophy was far from its meridian height, they could not be exempted. With these allowances they will not only be acquitted of any bad intention, but will appear entitled to a high degree of approbation, even to the warmest gratitude of posterity. However much they might be tinctured with enthusiasm and religious prejudices, they seem to have acted from pure and disinterested motives; and were neither seduced nor intimidated, upon any occasion, to swerve from those patriotic principles by which they professed to be guided. It would perhaps be difficult, even at this day, to point out a line of conduct more eligible than that which they pursued; and which, with no greater deviation from the former practice, would be better calculated to frustrate the am-

bitious designs of Charles, or to guard against the attempts of any future monarch for subverting the constitution.

That the parliament had, at this time, any intention to overturn the monarchy, and to establish a republican form of government, there is no good reason to suppose. After all the regulations which this parliament introduced, the sovereign still remained in possession of very ample powers. He still would have enjoyed a voice in the legislature. He would still have exercised the power of collecting and disposing of the public revenue at his discretion. He would still have remained the fountain of honour; would have nominated all the judges during pleasure; and have had the sole privilege of declaring peace and war, with that of levying and commanding all the mercenary forces of the kingdom. In a word, his direct authority would have been more absolute than that of the British monarch at present. The patriots of that day overlooked a variety of limitations upon the crown, which the more enlarged experience of a later period has taught the English nation to establish. They had no thought of a permanent

provision to prevent extravagance and bad economy in the expenditure of public money. They suggested no restriction with respect to the number of standing forces maintained in time of peace. Though they prohibited the king from extending martial law to the whole community, they put no restraint upon him in the application of that system to the army. They made no attempt to secure the independence of judges, by fixing their nomination for life. Having no suspicion of any undue influence which the king might obtain over parliaments, they permitted him to continue the same parliament as long as he pleased. In all these particulars, it was found necessary to make additional regulations upon the accession of William the Third; from which it may with reason be inferred, that the parliament which met in the latter part of the year 1640, instead of being liable to the censure of doing too much, was rather exposed to that of having done too little, for preventing the encroachments of prerogative.

With respect to the conduct of Charles during this period, we meet with no important variation: The same arbitrary system in-

variably pursued, and by the same unscrupulous means of dissimulation and duplicity. To those, indeed who look no further than the immediate transactions, and who are unable to trace the intention and motives of the parties, it may seem that the ground of the dispute had been changed; while parliament was labouring to introduce a set of palpable innovations; and the king, who certainly consented to these with reluctance, is presented to us in the light of a secret friend to the old constitution. This is the aspect of the controversy, which those authors who attempt to excuse or justify the monarch, are at great pains to exhibit, and to which they would willingly confine the attention of the reader. They endeavour to conceal, or to keep out of view, the former measures of the sovereign, by which he had subverted the fundamental laws of the kingdom, and the evidence which had occurred of his obstinate resolution to persist in the same designs. Thus they impute to parliament the offences, in reality, committed by the king; and represent as violations of the constitution the regulations which had become absolutely necessary for its preservation;

that is, they consider as a poison the antidote given to prevent its baneful effects.

SECTION III.

OF THE REIGN OF CHARLES THE FIRST, FROM THE COMMENCEMENT OF THE CIVIL WAR TO HIS DEATH.

THE progress of the civil war was productive of many and great alterations, both in the state of the contending parties, and in the temper and disposition of the nation. After the king and parliament had appealed to the sword, as the sole arbiter of their differences, they were no longer capable of retreating; and it was vain to shrink from a decision which must render the one or the other party completely triumphant. Both became sensible that their all was at stake; and that nothing but a decisive victory could either support their respective claims, or ensure their personal safety. From their mutual exertions in prosecuting the quarrel, and from the dangers and bad treatment to which they were continually exposed,

their passions were daily inflamed and rendered more furious; while every new advantage, upon either side, becoming the source of exultation and oppression in the one party, and of provocation and resentment to the other, contributed to widen the breach between them, and afforded fresh fuel to their mutual animosities.

The progressive measures which, during the whole reign of James, and in the former part of that of Charles, were gradually adopted by parliaments, have already been pointed out. Before the year 1640, those great councils appear to have stood altogether upon the defensive, and to have aimed at nothing further than barely to defend the ancient modes of government. From the meeting of what is called the Long Parliament, the abuses committed by the king had given rise to different views, and were thought to require more effectual precautions for securing the liberties of the people. The various wheels and springs of the constitution having, from negligence, gone into disorder, or being, from the inexperience of the original artificers, left, in some particulars, inaccurate and imperfect, the opportunity

which then offered was accounted highly favourable, for repairing the state machine, and for removing its defects or imperfections. Men who entertained this opinion were friends to the monarchy, while they attempted to impose new limitations upon the monarch; and were anxious to preserve the spirit and principles of the constitution, though they contended that, in several of its parts, a reformation was indispensably necessary.

How far the pruning hand of a reformer should be permitted was a difficult question; about which even speculative reasoners might easily differ; and upon which men who had opposite interests were by no means likely to agree. When all hopes of accommodation, upon this point, were completely blasted, when both king and parliament had recourse to arms, the popular party were pushed on to greater extremities, and embraced a bolder system of reformation. The opposition to the crown had proved so ineffectual; the power, the influence, and the resources of the king were so extensive; and the artifices by which he might elude the controul of the legislature, and undermine the privileges of the people,

had been found so numerous and so various, that every attempt to confine the prerogative within due bounds, was in danger of being regarded as desperate. To many it appeared that the old constitution was no longer tenable, and that the only method of preventing the abuses of regal power was to abolish it altogether. The exaltation, it was observed, of an individual to the rank of a sovereign prince proves commonly such an incentive to ambition, as renders him impatient of restraint, and dissatisfied with any thing less than absolute dominion. Accustomed to the high station in which he is placed, and having received it through a long line of ancestors, he is apt to look upon it as his birthright; and instead of conceiving it to be an office derived ultimately from the consent of the people, or bestowed upon him for their benefit, he is disposed to consider it in the light of a private estate, intended for his own use, and to be enjoyed at his discretion. By the natural order of things, that is, by the disposition of Providence, it appears to be his province to command, as it is that of his subjects to obey; and every effort, upon their part, to limit his

authority, is regarded by him as an act of rebellion, which, in duty to himself and his posterity, and in the capacity of the vice-gerent of heaven, he is bound to elude by artifice or repel by force.

To avoid these dangers to liberty, with which recent events had strongly impressed men's minds, it was by some thought requisite to abolish the kingly office altogether, and these republican doctrines came to be propagated especially by men of knowledge and speculation, who reasoned upon the general principles of government, and compared the different political systems which have taken place in different ages and countries. Those who consider the usual incitements to genius will not be surprised to find, that, amidst all the disorders of that period, the number of speculative reasoners upon government was far from being inconsiderable. The important disputes, and violent struggle in which a great part of the nation was engaged, by awakening a spirit of activity and enterprise, contributed to accelerate, instead of retarding the pursuits of science and literature; and by opening to men of letters a wide field of am-

bition, excited them to cultivate their talents, and to bring forward their learning to the public. To the operation of such causes we may, in part at least, refer the political treatises of Milton, which breathe that ardent love of liberty, and that vehement spirit of invective, to be expected from the sublime author of Paradise Lost; at the same time that they are apt, on some occasions, to disgust the reader by an appearance of prejudice and prepossession, and by an air of confidence and arrogance which runs throughout those performances.

During the horrors of the civil war, a number of philosophers, men totally free from the religious enthusiasm and party prejudices of the times, are said to have employed themselves in conversing and reasoning upon political subjects. After the death of the king, these persons were formed into a regular society, for examining and discussing the most important questions concerning the best form of a commonwealth, and the advantages or disadvantages of such forms as had, in different periods of the world, been reduced into practice. The Oceana, and other discourses,

published by Mr. Harrington, appear to have been, partly, the fruit of those lucubrations. These writings discover an extensive knowledge of history, the most liberal views with respect to government, a thorough acquaintance with the true principles of democracy, and great skill and discernment in accommodating those principles to the peculiar circumstances of the English nation.

The chief instances of popular government, which had fallen under the experience of that age, were the celebrated republics of Greece and Rome; which, for the most part, were established among a handful of people inhabiting a narrow district; in most cases, a single town with its dependencies. In these very limited states, there was little inconvenience or difficulty in convening the whole people to deliberate on public affairs, and to exercise the supreme powers of government. The legislative power, therefore, together with a considerable part of the executive, was commonly lodged in the great body of the people; though the privilege of proposing the subjects of deliberation to the legislative assembly was often committed, exclusively, to a smaller

council or senate, composed of the higher order of citizens, or elected by the ligislative body itself. A constitution of this nature was evidently impracticable in a large community, the members of which were spread over an extensive country. In a great nation, like that of England, the assembling of the whole people to make laws, or to deliberate upon national business, would produce a meeting so numerous and disorderly, as must be incapable of any regular procedure, and liable to endless disorders. But, fortunately, in Britain, the custom of convening the representatives of the people, as a constituent part of the legislature, had been long established; and upon this principle Harrington, and the other speculative politicians of that time, laid the foundation of that commonwealth which they recommended to their fellow citizens. They proposed that the supreme powers of government should be committed to a body of representatives, chosen by the nation at large, in the manner which appeared the best calculated to prevent the effects of bribery and undue influence upon the electors; and in such a moderate number as might enable them to main-

tain the utmost regularity in their proceedings, and to extend their care and superintendence to every department of administration. By this expedient it was thought, that the evils incident to kingly government on the one hand, and to pure democracy on the other, at least in the shape in which it had been exhibited in the ancient republics, might be equally avoided. The dangers arising from the ignorance, the prejudices, the violence, and confusion, of a large tumultuary assembly were effectually precluded; while the interest of the people at large was understood to be sufficiently guarded by that controul and influence over their commissioners, which, from the frequency of elections, they might be expected to retain.

The commencement and progress of the civil war had an effect, no less remarkable, with respect to the religious, than with respect to the political sentiments of the nation. From the increasing heat of controversy, and according as the adversaries of the king had been more successful, the opposition to the hierarchy became, of course, more violent. For some time after the accession of James, the

Puritans, under which denomination were comprehended all the protestant dissenters, who were, for the most part, distributed into the two great branches of presbyterians and independents, were contented with liberty of conscience, and with an indulgence in their peculiar modes of worship. But the continuance of the controversy suggested other views to those two orders of sectaries, and inspired them with higher pretensions. After the meeting of the long parliament, the presbyterians, whose doctrines were supported by many leading members in that assembly, and particularly by a great majority in the house of commons, were encouraged to attempt the subversion of the established religion, by destroying all subordination in the rank and authority of churchmen. But when the king and parliament had come to decide their differences by force, even this religious reformation was held by many to be insufficient: the opinions of men deviated still farther from the old establishment; and the independents, who rejected all interposition of the public, either in the appointment of the clergy, or in the care and direction of religion,

advanced, with rapid strides, in consideration and popularity.

The different principles of those two branches of the sectaries produced a natural conjunction, as was formerly mentioned, with the respective systems of the two great political parties now in opposition to the king. The presbyterians, who, by abolishing the several ranks and dignities of the church, proposed to emancipate the clergy from their dependence upon the crown, as well as to diminish their influence over the laity, were disposed to support the system of those political reformers, whose object it was to check the abuses of prerogative, and circumscribe without subverting the authority of the sovereign. The independents, who advanced a step further in relation to the church, pushed also their political tenets to a proportional height, disapproved of all ecclesiastical establishments, and holding that every voluntary association of Christians ought to have the liberty of choosing their own religious teachers, they were, in like manner, averse from every modification of monarchy, and were led to join those republicans who contended that all the

executive officers of the state should be under the appointment of the people.

As these republican doctrines were thus gaining ground in the nation, they made also considerable advances, though with less rapidity, in parliament. The leading members of that assembly, who had long acted in consequence of their professed opinions in favour of limited monarchy, were likely, the greater part of them, to retain their former sentiments. If some, during the violence of the struggle, were induced to aim at greater innovations, and to seek the total abolition of kingly power, there were others, corrupted by motives of interest, or alarmed by the ungovernable spirit of reformation which now discovered itself, who either seized the opportunity of joining the court, or thought proper to retire from public business. In a situation so new and hazardous, we need not wonder that several persons, who had hitherto withstood the encroachments of the prerogative, should now shrink from a contest which threatened to involve the kingdom in anarchy and blood; and should thus leave the field to men of keener tempers, and of more persevering re-

solution. Lord Falkland, and Mr. Hide, whose abilities and personal character entitled them to great consideration, and who, at the beginning of the long parliament, had stood forth in censuring the measures of the king, and concurred in the important regulations then introduced, deserted their former political friends; but though they were now enlisted upon the side of the crown, they still professed a regard to the ancient constitution, and a disposition to moderate the violent councils of Charles.

The proceedings of parliament were still more affected by the death of some of its principal members. Soon after the parties had recourse to arms, Mr. Hampden, whose inflexible integrity, and sound understanding, joined to his great modesty and vigour of mind, had procured him almost equal influence in war and in peace, and, without the appearance, had rendered him the real leader of the whole party, was killed in an action, while he conducted the troops under his command to repel a sudden attack of the enemy. The loss of such a man in that cloudy and tempestuous season, may justly be regarded as a

national calamity. He was, in religion, a presbyterian; and, in politics, a steady adherent of the old constitution. His death was followed, soon after, by that of Mr. Pym, whose talents for public speaking, and whose great experience in the business of parliament, had raised him to a principal share in all the important transactions of that period. His eloquence distinguished him above all his contemporaries, and is said to have been productive of extraordinary effects. So far as we can form a judgment from the specimens that have come down to us, he seems to speak like a man who labours to convince and to persuade, more than to entertain; and though liable, perhaps, to the imputation of some formality and prolixity, he discovers great ability in bringing many arguments to centre in one point; and presenting such views of a subject as are calculated to lay hold of the prejudices, and to overpower the reason of his hearers.

Notwithstanding the extreme simplicity of manners and frugality for which Mr. Pym was noted; though, beside his private fortune, he enjoyed a salary as master of the ordnance;

and though he acted in a high department, at a time when parliament, in open war with the king, had occasion to manage considerable funds levied on that account; he died in great poverty, a satisfactory proof that he had served the cause with disinterested fidelity. So sensible were the commons of his faithful services, that they not only ordered a monument to be erected to his memory, and his corpse to be interred in Westminster-abbey, but also voted a considerable sum of money for the payment of his debts.

While time and accidents were thus producing great changes in the leading characters who had hitherto appeared upon the stage, the war opened a new scene of action, and gave birth to a new set of talents and accomplishments, by which individuals, formerly obscure and unknown, rose to consideration and importance. Eloquence, and dexterity in managing parliamentary business, were now degraded into a secondary rank; and, in a great measure, eclipsed by that courage and conduct in the field, and by those peculiar virtues and qualities displayed in the military profession. Men who, by serving in a foreign country, had

already acquired experience and reputation in war, were immediately placed in the higher military departments; while others, whose disposition and genius peculiarly fitted them for the service, found opportunities of signalising their activity, valour, or capacity, and were soon brought into notice.

The adherents of the king were chiefly composed of the nobility and higher gentry, men who, by their wealth and station, had much to lose; and who, in the annihilation of monarchy, and in the anarchy that was likely to follow, foresaw the ruin of their fortunes, and the extinction of their consideration and influence. The middling and inferior gentry, together with the inhabitants of towns; those who entertained a jealousy of the nobles, and of the king, or who, by the changes in the state of society, had lately been raised to independence, became, on the other hand, the great supporters of parliament, and formed the chief part of the armies levied by that assembly. The differences in the character and situation of the troops, which came, in this manner, to be arranged upon the opposite sides, were very remarkable. The forces of the king were

commanded by officers whose rank in life had led them frequently to serve in the wars upon the continent, and who possessed a degree of influence over their followers, which, in some measure, supplied the want of military discipline. The armies of parliament, on the contrary, were composed of an unruly and disorderly multitude, under the direction of persons, who, for the most part, had no natural authority corresponding to their stations, and who, unless in a few instances, appear, at the beginning of the war, to have been destitute of military knowledge. Mr. Hume has, with his usual discernment, pointed out the consequences of these different situations, which are such as might be expected. For some time after the war broke out, the king was generally successful, and in every struggle the forces of parliament were either worsted or rendered incapable of improving those advantages which fortune threw in their way.

It might easily be foreseen, however, that if the operations of the war should be protracted for any considerable period, the fortune and circumstances of the parties would be reversed. The nobility, who supported the cause of the

monarch, were too independent and too jealous of each other to be reduced under proper subordination, and were fitter to act in separate pillaging parties, at the head of their respective followers, than to unite and co-operate in such a large body as the execution of a great enterprise might require. The parliamentary troops were in a different situation. Without any previous attachment to particular leaders, they acquired habits of submission to those officers under whom they had fought; men who derived their preferment, not from their birth or their opulence, but from their military services; and whom different degrees of experience, of capacity, and of success, had established in their several stations. As the forces of parliament comprehended the great mass of the people, we need not wonder that when they came to surpass those of the king in subordination and discipline, as well as in numbers, they should immediately obtain a decided superiority.

Among all those who took part against the king, it is natural to suppose that such as had taken up arms in the cause, and had, through the whole course of the contest, been retained

in the service, would be distinguished by their zeal, and by the extremities to which they pushed their system of reformation. The greatest part of these troops were, accordingly, independents in religion, and in the state, republicans. That original ardour which led them to take so active a part in the controversy, joined to the circumstances which, during the progress of it, could not fail to inflame their passions, had confirmed their aversion to all regal power, and to all ecclesiastical establishments, and had riveted their affections to an opposite system, both of civil government and of religious worship.

By a singular concurrence of accidents, the command of the chief parliamentary army, towards the conclusion of the war, was devolved upon an officer* of great integrity and worth, distinguished by his military talents, but otherwise (which daily experience proves to be no inconsistency) of slender capacity; while the real direction and management of those forces, together with their commander, was acquired by a leader of the most extraordinary abilities which that, or perhaps any age, has produced.

* Fairfax.

This was the famous Oliver Cromwell, whose character is universally known.

During those parliamentary disputes which preceded the commencement of hostilities, Cromwell, though a member of parliament as early as the year 1628, appears to have remained in obscurity. It should seem that, although the ardent enthusiastic spirit by which he was possessed, could hardly fail to be remarked, and to gain him credit with the party to which he was devoted, the inelegance and rudeness of his manners, and his total deficiency in public speaking, prevented his acquiring much reputation or influence. But no sooner had the war opened a new scene of action, than he began to display that uncommon genius with which he was endowed, and to assume that consideration and importance to which he was entitled. The troop which he commanded was immediately distinguished by superior discipline, and by good behaviour in every engagement. The intrepidity, vigour, and enterprising disposition of its leader were no less conspicuous*. By his decisive

* It must excite amazement to find, in opposition to every other account, that Oliver Cromwell is taxed with

judgment in forming resolutions, and by his rapidity and steadiness in the execution of them; by his penetration in discovering, and his dexterity in managing the characters of his adherents and associates, he quickly rose to eminence, both as a partizan, and as a military officer. That he was originally sincere in his religious professions is extremely probable; though he afterwards employed the mask of piety to cover and promote his ambitious designs. How far the characters of a hypocrite and a fanatic are capable of being reconciled; or whether inconsistency be not frequently a prominent feature of the human mind, I shall not pretend to determine; but certain it is, that the consummate hypocrisy of Cromwell was the great engine by which he procured

cowardice, in the most pointed terms, by no less a personage than Denzil Hollis, a zealous presbyterian, and eminent leader of the commons. If any credit could be given to this charge, it would rather increase than diminish our admiration of this extraordinary man; since it would lay us under the necessity of supposing that Cromwell, by his dexterity, judgment, and political firmness, was capable of concealing and counteracting the effect of a personal weakness, apparently, of all others, the most adverse to a military reputation. See Hollis's Memoirs, pub. 1699.

the confidence of his whole party, and obtained an ascendancy over all their movements.

One of the first and most masterly of all the stratagems employed by this arch politician, after he had risen to a high situation, was the new modelling of the army, by which he secured to himself and his party the entire direction of all the forces of parliament. Towards the conclusion of the war, although a great proportion of those troops were of the independent party, there were still among them a number of presbyterians. The Earl of Essex, Sir William Waller, the Earl of Manchester, (formerly Lord Kimbolton,) with many other distinguished officers, had shewn an uniform attachment to the principles of that sect; and, however they might think that, in the present emergency, it was proper to limit the prerogative, were still the friends of monarchical government. While such persons remained in the army, they could not fail to be possessed of considerable influence; and Cromwell saw that it was necessary to get rid of them, in order to accomplish his designs.

For this purpose his friends suggested a re-

formation in point of military discipline; the neglect of which became a topic of universal complaint, and was considered as the immediate cause of many important miscarriages. A measure of this kind, so popular in itself, was warmly supported by Fairfax, the general, and by those who, not entertaining any suspicion of the secret motives by which it was dictated, had been the most active and zealous in the cause of the people. In the prosecution of this plan, it was artfully represented, that those who had a voice in parliament were possessed of authority and rank incompatible with military subordination, and, by the attendance in that assembly which their duty required, were disqualified for the exercise of other employments. A *self-denying ordinance* was therefore proposed, by which members of parliament were declared incapable of civil and military offices; and this regulation, by means of the popular clamour which had been excited, was carried through both houses. In this manner the leaders of the presbyterian party, who had long enjoyed seats in parliament, and had been the chief conductors of parliamentary business, were excluded from all share in the

direction of the forces. The army was immediately new-modelled, and formed into different regiments and companies, under a new set of officers; with which measure many of the presbyterian party, whom the late regulation did not affect, were so disgusted as to throw up their commissions. Cromwell himself, though a member of parliament, found means, by the solicitation of the general, to delay, for some time, and afterwards entirely to evade the resignation of his command. The decisive battle of Naseby, which was fought soon after the self-denying ordinance was carried into execution, reflected no less credit upon that measure than upon the personal abilities of its contriver.

After the king's troops had been completely defeated, and when his Majesty found it no longer practicable to face his enemies in the field, he seems to have placed his last refuge in the opposition and discord between those different parties into which the nation was divided. He appears to have thought that, by availing himself of their political animosities, he might hold a balance among them, and still, in some measure, maintain his authority.

With this view, he threw himself upon the protection of the Scottish army, then at Newark; thinking, perhaps, that the Scots, from the concessions which he had made to them, from their ancient hereditary connection with his family, and from their being of late under some discontent with the behaviour of the English parliament, were most likely to afford him a favourable reception. It must be admitted, however, that whether we consider the principles of the Scotch covenanters, or the strength which they could muster in opposition to the English forces, there was no ground to expect that, either from inclination or from prudential motives, they would undertake the defence of Charles, or attempt to rescue him from the hands of his enemies. Nor can it enter into the wildest imagination to conceive that such an attempt would have been either just or proper. They were the most violent religious adversaries of the king; they were the allies of parliament; they had hitherto struggled with all their might, and had been very instrumental in obliging the former to submit to the demands of the latter. Would it not have been the height of

absurdity, and even of bad faith, now that their object was nearly accomplished, to change sides all at once, and, by a vain effort in behalf of the king, to assist or countenance him in refusing or delaying that submission? They were, no doubt, highly censurable in delivering him up to parliament. It was incumbent on them to take no advantage of the circumstance by which they had obtained a power over his person. From a punctilio of delicacy, they should rather have connived at the escape than have agreed to the surrender of their prince, who had fled to them for shelter. But to make that surrender an expedient for extorting the arrears of pay, which they could not otherwise have procured, was unquestionably a disgraceful transaction.

The leaders of parliament, meanwhile, had penetrated the ambitious designs of Cromwell and his associates; and, upon the termination of the war, thought it high time to free themselves from such unruly and turbulent servants. They had accordingly taken measures for that purpose. It was proposed that a part of the troops should be sent to Ireland, to assist in quelling the disorders in that coun-

try; and that the remainder should be dismissed from the service. These proceedings did not escape the notice of that powerful body against which they were directed; and their tendency was too manifest not to excite universal commotion, and suggest precautions for guarding against the danger. A petition was drawn up by the army to their general, to be laid before parliament, complaining of grievances, requiring payment of arrears, relief of widows and maimed soldiers, and an indemnity for past irregularities committed in the course of the war. To watch over their interest, and to secure unanimity in their future operations, they appointed a sort of military parliament, composed of the superior officers, corresponding to the house of peers, and of representatives from each troop or company, under the name of *agitators*, in imitation of the house of commons. To this body all disputes with parliament, and the management of all common concerns, was committed. The parliament afterwards voted that a considerable part of the army should be disbanded; and, to avoid the tumult apprehended on that occasion, gave orders that different

regiments or bodies of men should be separated, and receive their dismission at different times and places. But the military council were too sharp-sighted to obey such orders; and too conscious of their power to pay any regard to this resolution of parliament.

Upon the delivery of the king to the commissioners of the English parliament, a treaty was immediately set on foot between his majesty and that assembly for composing the public disorders, and settling the future exercise of the government. The schemes of the republican party required that, without loss of time, this agreement should be prevented; and therefore, by the contrivance of Cromwell, with concurrence of the military council, but without the knowledge, it is said, of Fairfax, an officer, with a party of soldiers, was dispatched to seize the king, and bring him a prisoner to the army. With this violence Charles was not displeased; as it coincided with his plans of managing the different parties, and afforded the prospect of another power, capable of controuling or counterbalancing that of parliament.

The seizure of the king, in this manner,

was an open declaration of war against the two houses, and was followed, in a short time, by the march of the army to London. Upon their approach it appeared that all expectation of resistance was vain. The city, after having taken a decided part against the mutinous spirit of the troops, was struck with a panic, and surrendered without attempting any defence. —The speakers of each house, attended by a number of members, deserting their functions, came to meet the army at Hounslow-heath, and to solicit their protection. The remains of parliament, confounded and dispirited by so general a defection of their friends and partizans, were, after a few fruitless attempts to maintain their authority, obliged to surrender at discretion, to repeal all their former offensive resolutions, and to yield an implicit submission to the military force.

Charles was highly satisfied with these transactions, and did every thing in his power to promote them. He had hitherto been treated with the utmost respect by the military leaders, and he believed that the exaltation and triumph of the army over parliament would, in the end, produce the re-establishment of regal

authority. He was, in fact, courted at this time by all parties, which had such an effect upon his spirits that he was heard frequently to declare, "You cannot do without me; you will fall to ruin if I do not sustain you." Misled by this idea, he held a correspondence with every party, while, expecting to procure still better terms from their adversaries, he was withheld from concluding an agreement with any. But these delusive appearances did not long remain. As soon as Cromwell and his associates had completely answered the purpose for which they got possession of the king's person, they began to think of delivering themselves from that incumbrance; and this they accomplished without much difficulty, by treating him with less indulgence, and instilling apprehensions that he was in danger from the soldiery. Charles, now intimidated, and disgusted with the behaviour of those whom he had so lately regarded as favourable to his interest, took the first opportunity of making his escape, and fled to the Isle of Wight, by the governor of which he was detained a prisoner.

The late violent measures of the army had,

in the mean time, stirred up a flame in the nation, and by shewing, at once, the extent of the military power, and the immediate purpose of establishing a republican government, had roused the presbyterians both in England and Scotland, and induced them even to unite with the royalists in opposing such violent innovations. The commencement of a new civil war interrupted, for some time, the operations of the republicans in modelling the constitution, and gave leisure for new efforts to conclude a treaty between the king and parliament. But the sanguine expectations of Charles, which had been raised by this exertion in his favour, prevented his acceptance of the terms proposed, and retarded a final agreement till the opportunity was lost. The raw troops collected upon the part of the king were soon defeated by Cromwell and Fairfax, who, at the head of their veteran forces, found nothing in the kingdom capable of resistance.

It now appeared that the republican party were determined to lose no time in executing their designs. The leaders of the army presented to parliament a remonstrance, in which they painted the crimes of Charles in strong

colours, and demanded that he should be immediately brought to trial. They, at the same time, gave orders to lay hold of his person, and to keep him under confinement. The establishment of a commonwealth required that the king's life should be made a sacrifice; for carrying which into execution it was necessary that parliament should be laid under compulsion. By a military force, therefore, under the command of a Colonel Pride, forty commoners on one day, and on the day following ninety-one more of the presbyterian persuasion were violently secluded from the house. After this operation a clear majority remained in the republican interest, and there was no longer any difficulty in procuring from them a resolution to authorize the trial of Charles. This measure was, with disdain, rejected by the upper house; upon which the commons declared that the peers were no essential part of the legislature, and proceeded to execute their own resolution. It was in virtue of a commission, appointed by this junto of the commons, that Charles was tried, condemned, and executed.

The character of this prince, as there was

reason to expect, has been represented in such opposite colours, by the writers of different parties, that we can pay little regard, either to the panegyric of the one set, or the invectives of the other; and if our object be the discovery of truth, we must fix our attention solely upon that series of actions by which the eventful history of his reign is distinguished. At the distance from which we now survey the conduct of Charles, his misfortunes can hardly fail to move our compassion, and to soften that resentment which the whole tenor of his conduct is apt to excite. It is impossible, however, to overlook this glaring circumstance, that his misfortunes were, in a great measure, owing to his crimes. Disregarding the ancient constitution of the kingdom, he formed the design of establishing an absolute power in the crown; and this design he incessantly prosecuted, in spite of numberless obstacles and disappointments; notwithstanding the determined resolution, displayed by his subjects, to maintain their natural rights; and without being deterred by the immediate prospect of involving his dominions in all the calamities and horrors of a civil war. Nei-

ther can it be forgotten, that in the execution of his plan for exalting the regal authority, Charles was ready to practise every artifice, every species of dissimulation; that he paid little regard to good faith; and even scrupled not to violate the most express and solemn engagements. From the beginning of the dispute with his parliaments, to the commencement of the war, every concession to his people seems to have been made with the view of retracting it, whenever he should find a convenient opportunity; the same duplicity is equally observable in those transactions which, after his forces had been finally subdued, he attempted to conclude with different parties; and through the whole of his life, we often discover, in his public declarations, a mean system of equivocation and mental reservation, peculiarly unsuitable to the characteristical gravity and loftiness of his deportment.

It has been the fortune of Charles to have the history of his reign transmitted to posterity by one of the first philosophers of the present age; whose favourite object seems to have been to pull down the prevailing doctrines of the whigs, and to represent the peculiar opinions

of the two great political parties into which the nation is divided, as equally erroneous, and equally founded upon a narrow and partial examination of human society. This has given rise to a strong bias in favour of the house of Stuart, which had formerly been borne down by the tide of popular clamour, and has produced, in particular, a laboured apology for the misconduct of Charles; in which, it must be confessed, that the facts are, for the most part, fairly stated, and the general principles apparently just; but the particulars agreeable to the author's hypothesis are so amplified and brought forward, and those in opposition to it are so contracted and disguised, as to present, upon the whole, a very artful picture, calculated to mislead an incautious and superficial observer.

In vindication of Charles, it has been suggested, that his misconduct proceeded from the notions which he had imbibed of the English constitution: that he followed merely the footsteps of his father, by whom he was taught to look upon himself as an absolute prince, invested by heaven with an indefeasible hereditary dominion: that he found this

opinion supported by the example of many of his predecessors, those especially of the Tudor-family; and that he was farther confirmed in it, by observing the absolute authority exercised by most of the cotemporary princes upon the continent of Europe. That the dissimulation which he employed, in the pursuit of his plans, must be imputed to the extreme difficulties and embarrassments of his situation. Conscious of the rectitude of his aim, and unable to accomplish it by direct means, he was reduced to the necessity of pursuing it by crooked artifices and expedients. In maintaining the sacred rights which, he understood, were committed to him, as the vice-gerent of God Almighty, he seems to have thought that the temporising measures, which he adopted, were imputable to his enemies, by whom he was driven into those indirect and fraudulent courses.

These observations, though delivered with such address and eloquence as mark the ingenuity and abilities of the author, are far from appearing satisfactory. Who, that acknowledges the happiness of society to be the great end of all government, can enter so far into the feelings of a tyrant as to listen to his

justification? when he says, "I mistook the "nature of my office. I thought the people "were created solely for my benefit, not I "for theirs. I believed that they had no "rights independent of my arbitrary will; "and that their lives and fortunes might be "sacrificed at pleasure to my humour and ca- "price. I supposed that I was entitled to "maintain, either by foul or by fair means, "by dissimulation and treachery, or by direct "force, and by shedding the blood of my "subjects, all those powers which have been "assumed and possessed by my forefathers."

This apology, such as it is, appears more applicable to the leader of a band of Arabs, or of Tartar freebooters, who subsist by robbery and murder, than to the king of a civilized nation, in which a regular system of law and government has been long established. The barbarous chief is probably unacquainted with any other mode of living, but Charles must have known better. He had cultivated his understanding by acquired knowledge, was no stranger to the different forms of government which had existed in different countries, nor probably to the professed purpose for which they were introduced, or to the respec-

tive advantages which have resulted from them. He was no stranger to the history of his own country, and could not fail to know that it never was, at any period, subjected to a despotical government. He could not overlook those *great charters* which his predecessors had so frequently granted to their subjects, and which expressly ascertained the privileges of the people and the limitations of the prerogative. If usurpations were occasionally committed by particular sovereigns, or their ministers, these were always complained of; were generally followed by a redress of grievances, and sometimes by an exemplary punishment of the offenders. Though some of the Tudor princes exercised many arbitrary powers, and stretched the prerogative beyond the pitch which it had attained at any former period; yet even their example could give no countenance to the principal usurpations of Charles; and there still were certain limits in the constitution which those tyrants did not venture to transgress. They never ventured to assume the direct power of taxation, without the concurrence of parliament, nor to carry on, for any long period, the various branches of administration without the advice of that national council.

With respect to the governments upon the continent of Europe, they were originally limited like that of England, and had of late been rendered absolute from circumstances peculiar to themselves, which could never be supposed to authorize an English monarch to introduce a similar change in his own dominions. If Charles, therefore, was misled from the circumstances of the times, we cannot suppose that this proceeded from an error in judgment, but must believe that the deception was produced, as is usual in such cases, by the false lights arising from the irregularity of his passions. It is unfortunate for the memory of this monarch, that his ambition was not of that brilliant kind which is fitted to excite admiration. It was not connected with any great view, either of public or of private aggrandizement, or accompanied with the display of great military talents, or of any splendid abilities. By overturning the constitution, he neither proposed to acquire the *eclat* of a conqueror, nor to extend the empire of his country, nor to raise her importance in the scale of nations. Stately and forbidding in his deportment, obstinate in his opinions, and inflexible in his measures, he seems to have had no other object than to establish that po-

litical system which coincided with his temper and disposition; to have aimed at nothing farther than to obviate the hazard of contradiction, and supersede the necessity of recommending himself to his people by affability and popular manners.

To estimate the degree of understanding or abilities possessed by Charles is not very easy. The talents and capacity ascribed to him by his friends are supposed to have been chiefly displayed in conversation and in his literary compositions. But the authenticity of the latter, which has been much questioned, can hardly be ascertained in a satisfactory manner; and the opinion entertained of the former is liable to the suspicion of being tinctured by an admiration of his high rank, and by compassion for his misfortunes. During his conferences with the commissioners of parliament in the Isle of Wight, he is said to have acquitted himself in a manner that impressed his hearers with respect and veneration. That he understood those topics, which had been the study of his whole life, may easily be conceived; and that his abilities were of a cast which qualified him for speculation more than for action, there is good ground to believe.

Let it also be remembered that he was a king whose crown "had not yet lost all its original brightness," and we may account for this veneration without supposing any thing extraordinary. It is at least certain that the whole course of his public conduct exhibits one continued scene of arrogance, meanness, inconsistency, and imprudence. His extravagant claims were advanced with heat and precipitation, and supported with eagerness and violence, until the nation was alarmed and thrown into a ferment; after which he had recourse to apparent submission, to humiliating compliances, and to hypocritical professions. Those who endeavour to palliate the errors of his government, observe that he suffered himself to be guided by persons of much inferior capacity to his own. But this, in a temper so little influenced by the warmth of affection, affords a certain proof of the want of discernment. There is no doubt that his measures were frequently directed by ministers, whose views he ought to have distrusted; and by the queen, whose religious principles both excited the jealousy of the English nation, and subjected her to an influence of which he had reason to be apprehensive.

The private virtues of Charles have been justly the subject of commendation. Sober and temperate, he set before his people an important example of decency and regularity of manners; while, by his taste in the fine arts, and by his attention to reward the exertions of genius, he was of signal service in promoting useful improvements. Though incessantly actuated by the love of power, and much irritated by opposition, he was not violent in his resentments, nor in his temper, unforgiving and revengeful. Had he been able quietly to obtain an unlimited authority, it is not likely that he would have been guilty of great excesses in the exercise of it. Neither does he seem, on the other hand, to have been animated with much generosity towards his friends, or to have felt a strong attachment to any of those favourites, who suffered in his cause, and in whose judgment he had placed an implicit confidence. From his lofty ideas of the sacred character with which he was invested, he probably thought that his subjects, in sacrificing their lives and fortunes to his conveniency, did no more than their duty;

and that of consequence no returns of gratitude, upon that account, were due to them.

The enthusiasm inspired by an opinion of his own dignity and self-importance, enabled him to support with becoming decency, and even with magnanimity, the sad reverse of fortune which he experienced in the latter part of his reign; and contributed to the display of that patience, resignation, and meekness, with which he bore the insults and indignities of his unfeeling enemies.

The death of Charles appears to have struck all Europe with terror and astonishment. The execution of a king upon a public scaffold, and with all the forms of judicial procedure, at a period when the state of society had begun to mitigate the severity of penal laws, and had also very generally introduced a despotical government, was a measure which ran counter to the ordinary course of political events. It was beheld like that phenomenon, which

> ——Disastrous twilight sheds
> On half the nations, and with fear of change
> Perplexes monarchs.

With regard to the justice of this measure, it should seem, that at this distance of time, when the animosities and prejudices of that age have in a great measure subsided, there is little room, among such as are qualified to judge, for any considerable difference of opinion. Were we to consider this prince merely in the light of a private individual, and compare his conduct with that of other criminals, there can, I should think, be no doubt that he merited the highest punishment. If rapine and murder are accounted capital crimes, what shall we say of that ambition, which breaks down, at once, all the barriers of personal security; overturns the whole fabric of the constitution; establishes the dominion of arbitrary will in place of legal restraint; and, in seeking to attain this object, destroys the lives and fortunes of thousands!

But the situation of a sovereign is so different from that of private individuals, and an attempt to punish him is attended with such complicated disorders, that the only circumstance which ought to regulate the

interference of government, in such cases, must be the consideration of public utility. Was the trial and condemnation of Charles regulated by this consideration? Was it a measure of public expediency? Was it calculated to remove disorders; to improve the constitution; to restore tranquillity? That it was not absolutely necessary for the preservation of the liberties of the people, must, I think, be admitted; for the spirit of the king was so reduced by his misfortunes, that he would, probably, have submitted to any restrictions; he would even have consented, it is said, that the crown should be directly transmitted to the prince of Wales, under the management of a regency. By rejecting such terms, it was manifest, that the leaders of the prevailing party had abandoned every idea of improving the old government, and had resolved, that *monarchy*, in every shape, and under any limitations whatever, should be entirely exploded. The trial and execution of Charles was doubtless intended for the purpose of introducing a republican form of government; and according as we hold such a revolution to have been expedient, or the

contrary, we shall be led to condemn, or approve of that measure.

Concerning the general question, whether a government of this nature was, at that period, accommodated to the circumstances of the English nation, it may be difficult to form a decisive opinion. Many politicians have asserted, that a republican constitution is peculiarly adapted to a small state, and cannot be maintained in a large community. This doctrine seems to have arisen from a view of the ancient republics, in which the whole people composed the legislative assembly; and is evidently inapplicable to those modern systems of democracy, in which the legislative power is committed to national representatives. Nothing is more common than for philosophers to be imposed upon by the different acceptation of words. The nations of antiquity having no notion of a representative government, countries of large extent were subjected universally to an arbitrary and slovenly despotism; and it was only in a few small states that it was thought practicable for the mass of the people to retain, in their own hands, the supreme powers

of public administration. The expedient, employed first in modern times, of substituting representatives, in place of the whole people, to exercise the supreme powers in the state, has removed the difficulty of communicating a popular constitution to countries of a great extent; as it may prevent the legislative assembly from being too numerous, either for maintaining good order in its deliberations, or for superintending the conduct of the chief executive officers.

If, by a republic, is meant a government in which there is no king, or hereditary chief magistrate, it should seem, that this political system is peculiarly adapted to the two extremes, of a very small and a very great nation. In a very small state, no other form of government can subsist. Suppose a territory, containing no more than 300,000 inhabitants, and these paying taxes, one with another, at the rate of thirty shillings yearly; this would produce a public revenue, at the disposal of the crown, amounting annually to 450,000*l.* a sum totally insufficient for supporting the dignity and authority of the crown, and for bestowing on the king an in-

fluence superior to that which might be possessed by casual combinations of a few of his richest subjects.

Suppose, on the other hand, a territory so extensive and populous as to contain thirty millions of inhabitants, paying taxes in the same proportion; this, at the free disposal of a king, would bestow upon him an annual revenue, so enormous as to create a degree of patronage and influence which no regulations could effectually restrain, and would render every attempt to limit the powers of the crown in a great measure vain and insignificant. In such a state, therefore, it seems extremely difficult to maintain the natural rights of mankind otherwise than by abolishing monarchy altogether. Thus, in a very small state, a democratical government is necessary, because the king would have too little authority; in a very great one, because he would have too much. In a state of moderate size, lying in a certain medium between the two extremes, it should seem, that monarchy may be established with advantage, and that the crown may be expected to possess a sufficient share of authority for its own preservation,

without endangering the people from the encroachments of prerogative. How far England was in these circumstances at the period in question, I shall not pretend to determine.

But, even supposing a republic to have been in itself, at that period, a preferable form of government, it could not, in England, be expected to produce beneficial consequences; because it was not supported by the general voice of the community. The death of the king, the preliminary step to the establishment of that system, was neither authorized by the nation at large, nor by its representatives. It had no other authority than the determination of a house of commons, from which a great proportion of the members had been expelled by a military force. The peers refused their concurrence with indignation. Cromwell, and his associates, the leaders of the army, who had obtained the direction of the Independents, were in reality the authors of this transaction, which, we may safely affirm, was diametrically opposite to the opinions and sentiments of by far the greater part of the nation.

In these peculiar circumstances, the execution of Charles cannot be approved of even by the warmest admirers of a republican constitution. The authority of every government is founded in *opinion;* and no system, be it ever so perfect in itself, can be expected to acquire stability, or to produce good order and submission, unless it coincides with the general voice of the community. He who frames a political constitution upon a model of ideal perfection, and attempts to introduce it into any country, without consulting the inclinations of the inhabitants, is a most pernicious projector, who, instead of being applauded as a Lycurgus, ought to be chained and confined as a madman.

Though, from these considerations, an impartial and candid observer will be disposed, upon the whole, to disapprove of the rigorous punishment of Charles, it seems impossible to deny, that it was productive of some incidental advantages. As a conspicuous example of the resentment incurred by the exertions of arbitrary power, it contributed to intimidate succeeding princes, and to render them less resolute in their violent measures.

It was, probably, the memory of this event, which made James II. shrink from his attempts, and facilitated the accession of William III.

It is no less evident, however, that the unfortunate issue of the contest between the king and parliament, brought for some time a discredit upon the laudable efforts of that assembly to support the constitution, and supplied the partizans of despotism with an argument in favour of their doctrine of *passive obedience*, by shewing the disorders which may arise from all resistance to the will of the monarch.

CHAP. V.

Of Oliver Cromwell, and the Protectorate.

THE boldness, the dexterity, and the dissimulation of Cromwell, had been eminently successful in conducting those measures which had ended in the death of the king, and in bringing the whole kingdom under the power of the Independents. But the talents of this profound politician, his enterprising spirit, and the extent of his designs, were yet far from being completely unfolded. He had hitherto only set himself at the head of his own party; and, by their assistance, at the head of the military force of the nation. But a more difficult and hazardous task yet remained—to deceive this party; to render them subservient to his private ambition; and, after they had flattered themselves with the near prospect of that political establishment with which they were so much intoxicated, to employ a great part of them, to-

gether with the army which was devoted to their interest, in seating him on the throne of England, with greater power than had ever been enjoyed either by James or by Charles.

To have a proper conception of the means by which he was enabled to execute this master-piece of dexterity and villany, we must, in the first place, consider his popularity in the army, whose power at that time, was unbounded. The weakness and the undesigning integrity of Fairfax, rendered him a mere tool in the hands of Cromwell, who made use of the name and credit of that general to accomplish his own views, while he avoided the odium and suspicion which their avowal must have drawn upon himself. The great body of the troops were devoted to Fairfax, with a blind veneration produced by an opinion of his military talents, and by a confidence in the sincerity of his professions. Possessed of little capacity or inclination to scrutinize the conduct and motives of those who acted the chief parts on the political theatre, they were jealous of the interest and rights of the soldiery, and gratified by every

event which contributed to the exaltation of their favourite leaders. A few of the principal officers appear to have seconded the designs of Cromwell, either from personal attachment or considerations of private interest. The rest were for the most part men of low education, equally destitute of penetration to discover the tendency of his measures, and of capacity to prosecute any vigorous plan of opposition.

The diversity of opinion among the Independents themselves, concerning the nature of that constitution which they had it in view to establish, created at the same time innumerable difficulties, and occasioned such delays as afforded ample scope to Cromwell, for preparing and ripening that peculiar system which he meant to introduce.

A great part of those who concurred in putting the late king to death, were men of principle. Whatever fanaticism in religion, or whatever prejudices in politics they had imbibed, they appear to have been animated with fervent zeal, and with sincere dispositions, to promote the good of the public.

They looked upon the tyranny of Charles as inseparably connected with monarchy; and, while the kingly office was permitted to remain, they regarded the punishment of the king as a mere palliative, incapable of producing a radical cure. But the idea of a republic was vague and general, admitting a great diversity of modifications. The celebrated republics of antiquity, supplied on this occasion, no models proper for imitation; for, as those governments were all established in very small communities, the people at large were in a capacity to exercise the legislative power; while in a large and populous country like England, it was evidently necessary that it should be committed to an assembly of representatives. From this radical difference many others must follow of course; and thus, in a matter not ascertained by experience, there was opened a boundless field to political projectors, in which they might range at pleasure, and declaim without end or measure, upon their different speculative improvements.

While the zealous and disinterested friends of republicanism continued in a state of

uncertainty, with respect to the precise object which was to terminate their labours, the old house of commons, that meeting which remained from the wreck of the long parliament, after the violent expulsion of those members who had disapproved of the trial of Charles, and after the house of peers had been declared no part of the legislature; this garbled house of commons endeavoured to hold itself up to the public, as forming the basis of the government in question. It was composed of about ninety persons, deriving their authority, not from the voice of the people, but from the direct interposition of that military force, by which they had been encouraged and supported in all their usurpations. They took upon them to abolish the upper house, but reserved to the peers the privilege of electing or being elected knights of shires, or burgesses. They ventured to declare, "that the office of a king is unnecessary, burdensome, and dangerous to the interest, liberty, and safety of the nation." Assuming the title of *the parliament of the Commonwealth of England*, they exercised the legislative and executive

powers; and as an auxiliary for executing the business of the latter department, they appointed a *council of state*, composed of thirty-nine persons. Not satisfied with the supreme authority of England, they did not hesitate to effect an union with Scotland and Ireland, and to determine that from each of those countries thirty representatives should be admitted.

While this remnant of a national council maintained a good understanding with the army, its commands were easily enforced throughout the nation. But things did not long remain in this fortunate situation. Although its members owed their present establishment to the violent interference of a military force, they had no intention to continue in a state of dependence upon the power which had raised them. They had already, as was formerly observed, taken direct measures, however ineffectual, for disbanding the army, and had thus incurred the strong resentment of every person connected with that department. Their continuing to exercise all the functions of government, and their claiming even the

power in that extraordinary emergency of reforming and new-modelling the constitution, could not fail at the same time to shock all the feelings and principles of the real friends of liberty. It had, indeed, been enacted, that the parliament called in 1640, should not be dissolved without its own consent; but it surely was a wide interpretation of that statute, to contend that this enactment should operate in favour of that mere shadow of national representation, which had been so recently made use of as a cover to the tyranny of the military power. The death of the king, according to the views of all those who wished to effectuate a thorough reformation of abuses, had produced an extinction of the old government; and it would be ridiculous to devolve the formation of the new system upon that handful of obscure individuals, who, by a train of accidents, had been left in the possession of the political machine. A transaction so important and extraordinary, seemed to require the concurrence of the whole nation; but, undoubtedly, could not with propriety be concluded, unless in a full and comprehensive meeting of the

national representatives. The existing members of this house of commons were probably not ignorant of what the public in this particular might expect from them. They had, accordingly, sometimes talked of dissolving themselves; but on these occasions found they had always pretences for delaying so disagreeable a measure; and at length they came to a resolution of superseding it altogether, by electing a set of new members to fill up their number.

These two circumstances, the resentment of the whole military order against that assembly, and the vague uncertain notions concerning that political system which the sincere republicans had in contemplation, were the main springs which Cromwell put in motion for effecting his ambitious designs.

His first object was to get rid of the old house of commons; a measure not altogegether free from hazard; for that house contained the leaders of the independent and republican party, who had been embarked in the same cause with the army, in bringing the sovereign to the block; and however

these confederates were now embroiled by a difference of private interest, a reconciliation, from the recollection of their common sentiments, was far from being impossible. Cromwell employed every artifice to inflame this difference, and when the jealousy and resentment of the army had been raised to a sufficient pitch, he ventured, in concert with the principal officers, by a military force to turn that assembly out of doors. The circumstances with which he executed this bold measure are well known. With a mixture of rage, of religious cant, and of insolent jocularity, he called upon a party of soldiers whom he had provided for the occasion, and ordered them to lay hold of those members who appeared refractory; declaring, "that they were no longer a parliament, and must give place to better men."—"I have been wrestling," says he, "with God, to excuse me from this, but in vain." His purpose, no doubt, was to intimidate; but it is not improbable that he followed, at the same time, the natural bent of his temper. We may easily suppose that, however destitute of sensibility; how resolute soever in prosecuting

his plans; yet, in this emergency, when he was on a sudden to shift his ground, and to abandon his old friends and associates, all was not quiet within; and that he could not prevent unusual perturbation. To stifle reflection, a vigorous effort became necessary; and he was obliged to work himself up to a degree of passion and violence.

In whatever light this measure might be viewed by the army, it was of too decided a nature not to open the eyes of the nation, and to discover his real designs. Such of the republicans as were capable of discernment, must now have been fully convinced of the treachery of their leader, and have seen with shame and indignation, the total overthrow of a fabric which they had long been endeavouring to rear. They had the additional mortification to find that they were too insignificant to procure any attention to their complaints; and that the loss of their power was beheld by the people at large with exultation and triumph. The Presbyterians, as well as the adherents of the late king, must have regarded this event with cordial satisfaction; the former, pleased with the ruin

of a party by whom they themselves had been supplanted; the latter, deducing a complete vindication of their political tenets from the unfortunate issue of the late attempts to limit the prerogative, and rejoicing in the prospect, that the present disorders would induce men of all parties to seek the restoration of public tranquillity by recalling the royal family.

Even some of the military officers penetrated the sinister designs of Cromwell, and immediately withdrew their support from him; but they possessed neither influence nor dexterity to produce a desertion of the forces under their command. The rest were pleased with any arrangement which exalted the military power, and were easily satisfied with the dissolution of the late house of commons, as a preliminary step to the calling of a more suitable representation of the whole community. The common herd of the troops, viewing this crafty politician, either in the light of a patron and protector, to whom they were indebted for their situations, and from whom they expected preferment; or in that of a saint, whose religious character and

professions inspired them with full confidence in his integrity, adhered invariably to his interest, and were disposed, without examination or suspicion, to promote and execute all his measures.

The army, having in this manner swept away the old government, became entirely masters of the field, and possessed an unlimited power. They had obtained a clear canvass upon which they might amuse themselves in designing future constitutions. As, in their former disputes with parliament, they had formed their several delegates into a deliberative council, under such regulations as enabled them, without confusion, to collect their general determinations, they now proceeded, in the capacity of legislators, to make trial of their political talents. One of their first attempts of this nature was to call a *convention*, the members of which, amounting to about an hundred and twenty, were elected by counties and towns in England, Scotland, and Ireland. But as this meeting, which is known by the name of *Barebone's parliament*, did not, it seems, answer the views of Cromwell, he soon prevailed upon them, notwith-

standing a protestation by several members, to resign their authority.

This crude experiment was followed by the delineation of a system more full and complete in all its parts. In a military council, there was produced, and received with approbation, what was called *an instrument of government*, containing the outlines of the system proposed. It provided that the chief powers of government should be committed to a protector, a council of state, and a parliament.

To the office of protector, bestowed, as we might easily suppose, upon Cromwell himself, were annexed the greatest part of those prerogatives formerly belonging to the monarchs of England.

The council of state was to consist of not more than twenty-one, nor of less than thirteen persons. The first members were named by the instrument itself; they were to enjoy their office during life or good behaviour; and every vacancy was to be supplied by the council naming a list of three persons, out of which the protector was empowered to choose the member. In the determination of peace and war, and in the exercise of the executive

power, the protector was to act with the advice and consent of the council.

The parliament consisted of 400 representatives for the whole of England and Wales; of whom 270 were to be elected by the counties, the right of election belonging to such as possessed a landed estate, amounting to the value of 200*l.* The small towns, known by the denomination of the *rotten boroughs*, were excluded from the privilege of sending representatives. To the English members were added thirty for Scotland, and the same number for Ireland.

That this national assembly might resemble the ancient parliaments of England, provision was made, though at a subsequent period, for a house of lords, to be composed not of the old hereditary nobility, but of members nominated by the protector, whose privilege of sitting in that house should remain during life. Their number was limited to seventy*.

* Of those who actually sat in consequence of such nomination sixty-five are specified in *Memoirs of Cromwell*, vol. i.—The greater part collected from Thurlowe's list.

The protector was empowered to summon meetings of parliament; he was required to call them every three years at least; and to allow their deliberations to continue for five months without interruption. He had no absolute negative upon such bills as passed through parliament; unless they were contrary to those fundamental laws contained in the *instrument of government*. But by this original deed he had secured a standing army of 20,000 foot, and 10,000 horse; for the maintenance of which regular funds were provided.

Such was the famous plan of government, by the establishment of which Cromwell appears to have attained the summit of power and grandeur. It is unnecessary to examine minutely the particulars of this new system; which, by not admitting its chief magistrate to assume the title of king, has commonly been considered as a species of republic. In this respect, and by its extending, and in some degree equalizing the national representation in the public assembly, it may seem, from a superficial view, to favour the great body of the people. But in reality it

had an opposite tendency; and subjected all the branches of administration, all the exertions of government, to the arbitrary will of a single person. It established a standing army of 30,000 men, under the direction of the protector, and which could not be disbanded without his consent. Such a force, in the state of military discipline which he had produced, was fully sufficient to overcome all resistance, and to govern the nation at pleasure. By such a body of mercenaries entirely at his devotion, he could easily sweep away those cob-web laws which were spread out to decoy and ensnare others, not to restrain his own conduct. We accordingly find that the first parliament which was called, in consequence of this new constitution, having proved refractory by disputing the title of the protector, he placed a guard at the door of the house, and refused admittance to the members, until they had subscribed an engagement to acknowledge his authority. In a future parliament, he employed a similar violence to subdue the opposition of its members.

To facilitate, however, the assumption of that absolute authority which he intended to exercise, he found it convenient to make variations in the constitution which he had introduced; and in particular to enlarge the department of the army, by allowing its officers to interfere in the civil administration. An insurrection of the partizans of the royal family, which had been early discovered, and easily quelled, afforded a pretence for treating the whole party with extraordinary severity. By a regulation of a most arbitrary and oppressive nature, they were subjected to a contribution amounting to a tenth of their estates; and for levying this imposition, Cromwell divided the whole kingdom into twelve military jurisdictions; each of which was put under the government of a major-general with exorbitant powers, and from his determination there lay no appeal but to Cromwell himself.

From the slightest attention it must be obvious that this political system was not framed for duration. It was such a mixture of opposite elements, such a combination of discordant and jarring principles, as could not

fail to counteract one another, and to produce disorder and commotion. The protectorate of Cromwell was apparently a democracy, but in reality a military despotism; the most arbitrary and oppressive species of absolute monarchy. It held out to the people the show of liberty and of privileges, by inviting them to choose their own representatives, to exert themselves in acquiring political interest, in a word, to consider themselves as legislators, and to act accordingly; while in reality, their efforts were always to end in disappointment; their ideas of self-importance and dignity to produce only mortification; their pretended interference in the administration of public affairs to be in perfect subordination to the will of a single person, by whose hand, like puppets, all their movements were guided and directed.

To render an absolute government palatable to a whole nation, it must be confirmed by inveterate usage. The attention of the people must be turned away from the conduct of their governors, and diverted into other channels. Occupied with their private pursuits, they must be taught to look

upon the business of the magistrate as no business of theirs, and to esteem it his province to command, as it is their duty to yield implicit submission: they must be habitually convinced that they have nothing to do with the laws but to obey them. The forms of the constitution must be calculated to keep out of view the rights of subjects, to present continually the image of unbounded authority in the prince, and to inspire a veneration for his person and dignity. The grandeur of the monarch, the rank which he holds in the scale of sovereigns, the facility with which he collects an armed force, and provides resources for supporting it, the secrecy and expedition with which he enters upon a war, attacks the neighbouring states, or procures information with respect to their designs, the tranquillity which he maintains through the whole of his dominions, by repressing the animosities, the turbulence and faction so prevalent in popular governments; these advantages must be constantly held up to the nation as the peculiar blessings of despotism, which, in the opinion of some, render that political establishment upon the whole

superior to every other. The people, in short, must be made to exult in that power by which they are kept in subjection, to regard their own glory as involved in that of their *grand monarque*, and their own debasement and servitude, as compensated by the splendor of his prerogative, and the extent of his dominion. Experience has shewn that by long custom, and by the influence of example, such a national spirit is not unattainable; nay, that sentiments of loyalty and affection to a despot, have, in the history of the world, and even of civilized nations, been more prevalent than a sense of liberty and independence. But the union of the former and the latter, in one mass, is a mixture of heterogeneous particles, which incessantly repelling each other, must be frequently shaken, and kept in continual ferment, to prevent their separation. To introduce a despotism under the guise of a popular government is to dress an avowed and bitter enemy in the garments of a friend and benefactor: it is to tantalize the people with a prospect of pleasures which they are never to enjoy; to require that they should banish from their thoughts a

set of rights and privileges which are constantly placed before their eyes.

To the native inconsistencies and contradictions which tended to overthrow the system of usurpation introduced by Cromwell, we must add a circumstance of still greater moment, that from the beginning it had, in every shape, been opposed by a prodigious majority of the nation. Exclusive of the army, every class or description of men, whether political or religious; the episcopal party, the presbyterian, and the independent; the friends of the royal family, the supporters of limited monarchy, and of a commonwealth; all united in their aversion to the present constitution, and in their detestation of the means by which it had been established.

These dispositions of the public mind had not escaped the penetrating eye of Cromwell. He knew that his government, as an innovation which ran counter to all the former ideas and habits of the great body of the nation, was highly unpopular; he was willing, as far as possible, to remove this prepossession; and, in the latter part of his administration, he

seems to have had a serious intention to restore the monarchy. After the powers which he had already assumed, he probably thought that the army would have no objection to his obtaining the title of *king;* and by the restoration of the *kingly office*, provided it were settled in his family, together with the re-establishment of the ancient house of peers, there was reason to expect, that a great part of the nation, weary of the past disorders, and less adverse to the new government, than to the dominion of the imprudent and infatuated house of Stuart, might be at length reconciled to his authority.

With this view he secretly promoted an address, intituled the humble petition and advice of the parliament of England, Scotland, and Ireland, to his highness; by which he was entreated to accept the title of king, and to revive the practice of parliaments consisting of two houses. A committee was appointed to hold a conference with him upon the subject, and to urge the expediency of the measure proposed. The farce of persuading Cromwell to accept of the royal

dignity was carried on for some time; but the real difficulty lay in procuring the consent of the army, who hated the name of king; and more especially in procuring the consent of the principal officers, who entertained the hope of succeeding to the protectorship.

Many persons of moderate opinions, throughout the nation, seem to have approved of this project, as most likely to produce a permanent settlement*. The

* "The Protector," says Thurloe, in a letter to Henry Cromwell, "has great difficulties in his mind, "although he hath had the clearest call that ever man "had; and for ought I see, the parliament will not be per-"suaded, that there can be any settlement any other way. "The title is not in the question; but is the office that is "known to the laws and this people. They know their "duty to the king, and his to them. Whatever else "there is, will be wholly new, and will be nothing else "but a probationer, and upon the next occasion will be "changed again. Besides, they say, the name Protector "came in by the sword, out of parliament, and will "never be the ground of any settlement: nor will there "be a free parliament so long as that continues; and as "it favours of the sword now, so it will at last bring all

protector himself treated the proposal with the utmost indifference; delivering his public declarations in a jargon wholly unintelligible; and speaking of it in private as a trifle, which he might comply with merely to gratify the humour of others. "He had "tried all possible means," says Ludlow, "to prevail with the officers of the army to "approve his design, and knowing that "lieutenant-general Fleetwood, and colonel "Desbrowe were particularly averse to it, he "invited himself to dine personally with the "colonel, and carried the lieutenant-general "with him, where he began to droll with "them about monarchy, and speaking "slightly of it, said it was but a feather in "a man's cap, and therefore wondered that

"things to be military. These, and other considerations, "make men, who are for settlement, steady in their reso- "lutions as to this government now in hand; not that "they lust after a king, or are peevish upon any account "of opposition; but they would lay foundations of li- "berty and freedom, which they judge this the next way "to. My Lord Deputy [Fleetwood] and General Des- "browe, oppose themselves with all earnestness against "this title, but think the other things in the *petition and* "*advice* very honest."

"men would not please children, and permit "them to enjoy their rattle. But he re- "ceived from them, as Col. Desbrowe since "told me, such an answer as was not at all "suitable to his expectations or desires. For "they assured him there was more in this "matter than he perceived; that those who "put him upon it were no enemies to "Charles Stuart; and that if he accepted "of it, he would infallibly draw ruin on "himself and his friends. Having thus "sounded their inclinations, that he might "conclude in the manner he had begun, he "told them, they were a couple of scrupu- "lous fellows, and so departed*."

His endeavours, however, were fruitless. A petition from the officers of the army was presented to parliament, requesting "that the pro- "tector might not be pressed to take upon him "the title and government of a king;" and Cromwell, with great ostentation of humility, and much profession of declining a load of cares and difficulties, took the merit of refusing the crown †. But the office of protector

* Ludlow's Memoirs.

† On the 12th of May, 1657.

was confirmed to him, with the privilege of naming a successor.

It is probable that this attempt of Cromwell to restore the regal title and dignity, which discovered an effrontery beyond example, did not entirely proceed from the mere vanity of wishing to possess the pageantry of a crown. To think otherwise would be to suppose that he betrayed a weakness not of a piece with the rest of his character. The effect of this measure, had it been carried into execution, is extremely doubtful; but there is ground to believe that it occurred to this bold and impudent usurper as a stratagem to be hazarded, perhaps the only expedient by which he had any chance to extricate himself from the surrounding difficulties.

The time now evidently drew near, which, in spite of all his efforts, was to annihilate the ill-gotten authority of this extraordinary personage. During the four years in which he held the protectorate, he was exposed to desperate attempts from all quarters; from cavaliers, from presbyterians, from independents and republicans; and he seems to

have never enjoyed a moment, either of quiet or security. That he escaped assassination, considering the continued ferment of the nation, and the enthusiastic zeal of the parties whom he had so highly irritated, is wonderful. By his extraordinary vigilance, by the uncommon intelligence which he procured, by a judicious mixture of lenity and of severity towards those who conspired against him, he broke and disconcerted the schemes of his enemies, and reduced them to the necessity of temporising and acting with great circumspection. The obstacles, however, to a final and permanent settlement were daily increasing. Deserted by every man of principle, unless perhaps, a few low-bred fanatics in the army, whose weakness rendered them unable to penetrate his designs, he found himself destitute of a friend in whose counsel he could repose any confidence, or from whose credit or influence he could expect any assistance. Concerning the desperate posture of his affairs, Thurloe, with great simplicity exclaims, "Truely, I think nothing but an unex-

" pected providence, can remove the present " difficulties."

Towards the close of his life, he appears to have become sensible of the folly and vanity of those ambitious projects in which he had been engaged; and to have felt a conviction, that the power which he had attained was a mere shadow, likely upon the first gathering of a cloud, to vanish in a moment. If not touched with remorse, for his crimes, he was at least terrified by the prospect of that vengeance which they had provoked. He became dejected and melancholy. The face of a stranger gave him uneasiness. He was haunted incessantly by gloomy apprehensions, and never thought himself secure in any situation. By concealing, and frequently changing the chamber in which he slept, by the constant attendance of a strong guard, by wearing a coat of mail under his cloaths, by seeking indirect roads when he performed a journey, and pursuing a different way in his return home: by these, and such unavailing precautions, he endeavoured to prevent those attacks which his

anxious and tortured mind was continually foreboding.

The load of cares and vexation with which he was oppressed, at length affected his constitution, and produced a distemper which carried him off, in the forty-ninth year of his age. The thoughts of a future state had, for some time, suggested to him uneasy reflections; and the particulars which historians have transmitted upon that point, present the curious but disgusting spectacle of a violent enthusiast; conscious of having deserted all those principles with which he set out in life, and now covered with guilt, and with infamy, endeavouring by the illusions of fanaticism, to find religious consolation in his last moments. He is said to have asked Godwin, one of his preachers, whether the doctrine was true, that the *elect* could never fall, or suffer final reprobation? "Nothing more certain," replied the preacher. "Then I am safe," said the protector, "for "I am sure that once I was in a state of "grace." So much of the original leaven remained, that he still was capable of being wrought up to his former fervours. He

believed that an answer had been given to his prayers, and to those of his chaplains, promising that he should not die of the present distemper.

Few characters have united more extraordinary qualities, or afford more subject for speculation, than that of Oliver Cromwell. The ardour of his disposition should naturally, it might be supposed, have rendered him tenacious of any opinion or system of conduct which he happened to embrace; and he seems from his infancy, to have acquired a strong predilection for the peculiar tenets both religious and political, embraced at that period, by the independents. His attachments, in this respect, were fortified by early habits, and by the intercourse and example of many kindred spirits, with whom he lived in the strictest intimacy and friendship. Yet this system he afterwards abandoned; those friends he betrayed; and all those principles by which he had been distinguished, and upon which he appeared to build his reputation, he scrupled not, for the sake of temporary and precarious power or emolument, openly to renounce. The

man who in the company of Pym and Hambden, and other assertors of public liberty, had formed the resolution of leaving his native country rather than submit to the usurpations of the crown, was not ashamed to give the lie to all his professions; and after having put the king to death for tyranny, to hold himself up to public view as one of the most notorious tyrants and usurpers that the world ever beheld.

To his original and genuine fanaticism he was probably indebted for the success of his projects. Had he not been at first sincere in his professions, it is not to be supposed that he could have gained the confidence of his companions and associates, or that he would have risen to much consideration with the public. But being a real fanatic, and a real republican, he became distinguished among those of the same way of thinking; and in the subsequent progress of his mind towards a full and complete apostacy, it was probably a long time before they, or even before he himself, perceived the alteration. His hypocrisy and dissimulation might easily be considered as useful and excusable arts which

he employed in a good cause; and his own aggrandizement might be regarded as a mere collateral object, which was not incompatible with the interest of the public. The moment when he began, directly, and without any subterfuge, to sacrifice the latter to the former, when his irregular passions were no longer able to justify themselves, and when his conscience first avowed the naked truth of his detestable villany, was doubtless a point scarcely visible, which he would have no pleasure in examining, but which, as soon as discovered, he would most carefully conceal.

It is at the same time observable, that though Cromwell was tempted by his ambition to abandon those patriotic views, to which his temper and early habits had strongly inclined him, his natural disposition still appeared conspicuously in all cases where it was not counteracted by the consideration of his own interest. Though he had set himself above the laws, and in the exercise of those illegal powers which he had assumed, was guilty of the most arbitrary proceedings, yet in maintaining the police

of the country, and in the ordinary administration of government, he displayed great vigour and public spirit. "Westminster-"hall," by the confession of Lord Clarendon, "was never replenished with more "learned and upright judges than by him; "nor was justice either in law or in equity, "in civil cases, more equally distributed "where he was not a party." He is admitted, even by his enemies, to have eagerly selected persons of ability and reputation to fill the various departments of public business; to have been a zealous promoter of science, and a munificent patron of genius and learning.

With whatever disgust or indignation every ingenuous mind will contemplate the successful villany of this extraordinary person, it is impossible to withhold a degree of admiration from his uncommon abilities; the boldness with which he planned, and the steady resolution with which he executed his measures; the dexterity with which he availed himself of the animosity, and the jealousies prevailing among the different parties; the penetration with which he discovered the

foibles of his own partizans and the artful policy by which he rendered them the dupes of their own interested views. His situation admitted of no regular system of operations, but required such immediate exertions as were instantaneously suggested by the occasion; and in these he seldom was guilty of any oversight, or let slip any opportunity to forward his designs. The characteristical and prominent feature of his conduct was decision. Placed on a new ground, and frequently on the brink of a precipice, without any beaten path to direct him, he never hesitated in choosing his course, and, in the pursuit of his object, seldom committed any false step, or met with any considerable disappointment.

His uncommon deficiency in elocution must appear surprising to those who consider the clearness of his judgment, and the quickness of determination which he exhibited in all his actions. This might arise from a variety of causes; from slowness of imagination, a quality not incompatible with sound understanding; from his early neglect to cultivate this useful talent; from the unintelligi-

ble jargon which his fanatical habits had rendered familiar to him; and lastly, from the necessity he frequently was under of disguising and concealing his real intentions and sentiments. Perspicuity is the foundation of eloquence; but those persons can never be perspicuous who are afraid of being understood.

A strong propensity to sarcastic mirth, and buffoonery, has been taken notice of as a remarkable ingredient in the composition of this wonderful character. The amusement he found in putting burning coals in the boots of his officers, or inviting them to a feast, while the common soldiers were directed at a certain signal, to rush in and run away with the dishes; his flinging a cushion at the head of Ludlow, when they were engaged in a conference upon a subject of no less importance than the settlement of the constitution; his taking the pen to sign the warrant for the execution of Charles, and bedaubing with ink the face of Martin, who sat next him; his indecent suggestion, that a person who saw him and his companions on their knees round the table, might

imagine they were *seeking the Lord*, while they were only *seeking a bottle-screw;* these and other instances of coarse and unseasonable mirth are collected by his biographers, as forming a manifest inconsistency in the character of so great a man. In that violent measure, when he dissolved the house of commons, we find him indulging a most absurd and whimsical vein of raillery and sarcasm, and insulting the members, while he put an end to their authority: "Thou "art a whoremaster—thou art an adul-"terer—thou art a drunkard, and a glut-"ton.—Take away this bauble (the mace.) "O! Sir Harry Vane! Sir Harry Vane! "The Lord deliver me from Sir Harry "Vane!"

When things which appear important and solemn to the rest of the world, are from a singular disposition, beheld by any individual with indifference or contempt, they are apt from the contrast of his own emotions and sentiments with those of others, to excite laughter and ridicule. Thus a melancholy man who derives no pleasure from the common enjoyments of life, is dis-

posed to make a jest of the bustle created by avarice or ambition, and of the idle pursuits in which the bulk of mankind are engaged. The hardened villain, whose mind has become callous to the impressions of humanity and virtue, is in the same situation with regard to the sacred ties of honour and conscience; and is apt to hold in derision those kind and generous feelings, those principles of right and wrong, by which men are bound together in society, and by which they are determined in many cases to sacrifice their interest to their duty. He not only beholds from the state of his own heart, every appearance of generosity and virtue under this ridiculous aspect, but is disposed, in defence of his own conduct, and as a kind of antidote to the censure and execration of mankind, to cherish and hold up this view of things, both to himself and to others. The great painter of the human heart has, in the character of Hamlet, exhibited a man of sensibility, and of a melancholy cast, indulging himself in the fancy, that the conqueror of the world might be employed to stop a beer barrel; and in such ludicrous views of

mankind as tend to demonstrate the vanity and folly of their boasted accomplishments, their eager desires, and their unwearied pursuits. In the character of Richard the Third, the same author has displayed the sarcastic humour of a villain, who makes a jest, not only of the follies and weaknesses, but of the virtuous dispositions and conscientious scruples of mankind. The piety of Saint Harry, the holy laws of Gray-beards, the credulity of Lady Anne, in believing his promises, the affection of his mother, and her tender concern for his welfare, with every quality that is commonly regarded as valuable and praise-worthy, are the standing objects of his derision and merriment. Somewhat akin to this disposition, in the dramatic character of Richard, is the rustic jocularity of Cromwell which appears to aim at laughing all virtue out of doors, at the same time that it seems to convey the expression of exultation and triumph in the success of his hypocrisy. Upon reading the treatise of Harrington, in which that author thought proper to express a confident expectation that the protector would establish

a commonwealth, this facetious usurper is reported to have said—"The gentleman "had like to have trepanned me out of "my power; but what I have got by the "sword, I will not quit for a little paper "shot.*"

When we examine the conduct of Cromwell in all its parts, it may seem surprising that his memory has been treated with more lenity and indulgence than it certainly deserves. This may be explained from the influence of popular feelings; and still more from the character and sentiments of political parties. His great abilities, the success of all his undertakings, and the respect which he commanded from all the powers

*The same disposition to sarcastic humour has been exhibited in our day, in a political character, resembling that of Cromwell in many respects; I mean the famous Robespiere; an enthusiast, though of a different species; of a temper more gloomy, and marked with deeper lines of cruelty; not more scrupulous in betraying his friends; but steady in supporting that system which he originally professed to adopt, and as far as appears, uncorrupted by motives of pecuniary interest.—*See Dr. Moore's Journal.*

of Europe* seized the imagination of Englishmen, and were calculated to gratify national vanity. The partizans of the house of Stuart were, at the same time, induced to hold up the favourable side of the policy of Cromwell in order to blacken the memory of those patriots who were not less the enemies of that usurper than of the absolute power of the crown. They affected to consider the usurpation of the protector as a necessary consequence of the attempts to restrain the prerogative, were better pleased with the protectorate than with a republican system, and seem to have felt towards him a sort of gratitude for overthrowing that form of government to which they were most adverse.

The death of Cromwell put an end to that authority which, probably, even if he had lived, he could not have upheld much longer. His son Richard, whom he had nominated to the office of protector, had neither the am-

* While all the neighbouring potentates to you,
Like Joseph's sheaves pay reverence and bow.
Walter's Verses to the Protector.

bition to desire, nor the capacity to maintain it. The leaders of the army, whose influence encouraged them to aim at the supreme power, could not be retained in subjection. Richard was deposed. The remains of the *long parliament* were recalled. Fleetwood and Lambert, who were at the head of the English forces, attempted to give law to this assembly; but they wanted the transcendant genius of Cromwell to effect their purposes. General Monk, who commanded a smaller but probably a better disciplined army in Scotland, was immediately summoned to the assistance of parliament. Having marched up to London, he proceeded so far in obedience to the commons as to carry military execution into the city, for refusing to pay the taxes imposed by parliamentary authority.

This attempt shews pretty clearly that he intended to tread in the paths of Oliver Cromwell; but finding by the general voice of the public, that the plot was not likely to succeed, he seems to have quickly changed his ground; and endeavouring without loss of time to repair this unlucky step, he exerted

all his interest in recalling the royal family. In this design he was seconded by a great part of the nation; by all who had been shocked and disgusted with the late violent measures, and who saw no end to the disorders and calamities arising from the ambition and sinister views of the military leaders.

CHAP. VI.

Of the Reigns of Charles the Second, and James the Second.

THE restoration of Charles II. to the throne of his ancestors, was produced in such hurry and agitation of spirits as precluded every attention and precaution which prudence and deliberation would have suggested. The different parties who united in this precipitate measure, were too heterogeneous in their principles, and too jealous of one another, as well as too much afraid of the partizans of the protectorate, or the supporters of a republican system, to form any regular concert, and thus to hazard the delay which an attempt to limit the powers, and to regulate the conduct of the sovereign, would have required. Having no leisure for entering into particulars, they were satisfied with the professions of Charles, conceived in vague and general terms; that, in matters of religion, he would shew indulgence to differences of opi-

nion; that he would grant a free pardon to all offences committed against him by his subjects, reserving to the consideration of parliament the exceptions that ought to be made; and that, in relation to the changes lately introduced in the state of property, he would refer all future claims to the determination of that assembly. None of those political points, therefore, which, after the accession of James I. had been the subject of controversy, were, on this occasion, settled or explained; and the monarch, assuming the reins of government, without any limitations or conditions, was understood to recover all that extent of prerogative which, before the commencement of the civil war, had been vested in the crown.

The principal events in this reign exhibit a disgusting repetition of similar struggles to those which had occurred under the two first princes of the House of Stuart, and afford no prospect of that splendid success with which, in a short time after, the cause of liberty was fully crowned. The great unanimity with which the nation had concurred in restoring the royal family was

represented as an experimental proof of the futility and imprudence of those pretended improvements in the government, which had of late been attempted; but which had ended in a new and most arbitrary species of despotism, or rather in total anarchy and confusion. The tide was now turned in favour of the monarch; and his old adherents became the governing party in the state. The shame and disgrace attending the late measures were, in some degree, communicated to all who had any share in their accomplishment, and became the subject of exultation and triumph to those who had followed the opposite course. Men strove, by their services, to compensate their former disaffection; and, in proportion to the severity with which they had treated the father, they were warm in their professions of attachment and loyalty to the son.

The agreeable qualities and accomplishments of the king, joined to the memory of the hardships which he had suffered, contributed to improve those favourable dispositions. Equally removed from the pedantic vulgarity of his grandfather, and from the

haughty reserve and formality of his father, Charles II. possessed an affability and ease of deportment, a fund of wit and pleasantry in conversation, a knowledge of the world, and discernment of the weaknesses of mankind, which qualified him to win the hearts of his subjects, and to procure their indulgence even to the blemishes and vices of his character. The popularity of the prince was, in some measure, extended to all that party who, having been his fellow-sufferers, had acquired, by their fidelity and attachment, a strong claim to his favour and confidence. As they now filled the principal offices of trust and emolument, the influence and power, the consideration and rank, which they now enjoyed, gave reputation and consequence to their peculiar ways of thinking and modes of behaviour. Those who had followed the fortunes of Charles were chiefly among the higher class of gentry, who, by their situation in life, had acquired that relish of pleasure and dissipation which affluence naturally bestows; and this original disposition was confirmed by their long residence in France, where gaiety

and elegance had made greater advances than in any other part of Europe. Upon returning to England, they propagated all their own habits and prepossessions. The sour and rigid sobriety of the puritans was now laughed out of doors. All extraordinary pretensions to devotion, all inward illuminations of the spirit, were treated as knavery and hypocrisy. Loyalty to the king; generosity, frankness, and hospitality; a taste for conversation, and for the enjoyments of society and good fellowship, were looked upon as the characteristics of a gentleman, and the distinguishing marks of a liberal education. Charles himself, from his indolence, and the easiness of his temper, had an utter aversion to business, and a strong propensity to pleasure. Careless about religion and government, and studying only to gratify his own inclinations, he was little attracted by objects of ambition, or by the pomp and pageantry of a crown; and set no value upon any talents and accomplishments but such as were subservient to his amusement, or conducive to mirth and

festivity. The obsequiousness of the court in adopting the manners of the sovereign, and the effect of its influence and example throughout the nation, may easily be conceived. Thus the fashion of the times passed suddenly from one extreme to another; from fanaticism, and a cynical contempt of the innocent enjoyments of life, to irreligion and libertinism, to voluptuousness and debauchery.

Upon the restoration of Charles, the first national object was the procuring an act of general indemnity and oblivion; which the king passed with great alacrity. The exceptions, in exclusion of such as had been accounted notorious offenders, were not numerous; and even among those who had sat upon the trial of his father, only ten were put to death. To do justice to this prince, it must be acknowledged, that a revengeful temper was not in the number of his vices. He had, besides, every reason to court popularity; and it was necessary, for conciliating the affection and future loyalty of his subjects, to convince them that their past offences were forgotten.

To procure a revenue, which might render him in some degree independent, was, on the other hand, the immediate object of the king. In this he was not unsuccessful; having obtained from parliament not only 1,200,000l. as an ordinary peace esstablishment, a revenue much larger than had been enjoyed by his predecessors; but also a variety of large sums for occasional purposes; in particular, for enabling him to pay off and disband the army, that army which had been the basis of the late usurpation, and from which the nation, we may suppose, was now anxious to be delivered*.

The disputes and disturbances which began early, and which continually clouded and disgraced this unpropitious reign, may be traced to two sources, which, however, were intimately connected; to the jealousy and bigotry produced by religious differences; and to the designs of the crown, partly through the medium of those differences, to establish a despotism.

*See Life of Charles II. by Wm. Harris.

When Charles was recalled from poverty and exile to the throne of his ancestors, it is probable that, humbled in the school of adversity, he had formed the resolution to avoid any such contest as might endanger, a second time, the loss of his crown. But after he had been seated, with apparent firmness, in the full possession of regal authority, his thoughtless temper, easily subdued by the counsel of friends and favourites, disposed him to forget the salutary lesson inculcated by his misfortunes, and betrayed him into measures no less arbitrary and unconstitutional than those which had brought his father to the block. Though not ambitious of power, he was rapacious of money for the support of his pleasures; and, from his extravagant dissipation, feeling constantly the vexatious pressure of wants, he was never contented with those moderate supplies which he occasionally obtained from parliament. Weary, therefore, of continual, and often vain applications to that assembly, and impatient of the mortifications to which he was frequently subjected, he listened with avidity

to every proposal for delivering him from such restraints, and for enabling him to supply his necessities by virtue of his own prerogative.

With respect to religion, the jealousy, the partialities, and prejudices of the court, and of the people, operated in various directions. It is now sufficiently known, though it was then only suspected, that the king, while abroad, had been reconciled to the church of Rome*; a measure not, in all probability, dictated by any religious impressions, of which he was not very susceptible; but proceeding from political motives, or from the facility of his nature which rendered him incapable of resisting the importunity of his friends. His brother the Duke of York, the presumptive heir of the crown, was a bigoted Roman Catholic, and with inferior abilities, but more obstinacy and more talents for business, had gained a complete ascendant over the mind of Charles. But whatever desire these two princes might feel to establish the Popish religion, it was necessary to conceal their

* Dalrymple's Memoirs.

sentiments, and to accommodate their behaviour to the popular opinion. The partisans of the church of England, who had been the great supporters of the crown in the reign of Charles I. and who formed the most numerous and powerful body in promoting the restoration, were justly entitled, according to the views entertained in that period, to claim the re-establishment of that authority, and of those modes of worship which they had formerly possessed. The restoration of episcopacy, therefore, went hand in hand with that of monarchical government; the bishops resumed their seats in parliament; and the lands of the church, together with those of the crown, which had been alienated under the protectorate, were immediately restored to those public uses for which they had anciently been appropriated. That no compensation was made, in this case, to the purchasers, whose titles had originated in an usurpation, now execrated by all ranks of men, will not appear surprising*.

* See Harris's Life of Charles II.

In this peculiar state of things, there prevailed universally, among the protestants of every denomination, an apprehension of the designs of the crown to promote the establishment of the Romish religion; as there existed, in the members of the church of England, a strong resentment against the puritans, and a violent suspicion of their future machinations. It may be observed, at the same time, that these two branches of Protestants felt reciprocally more jealousy and hatred of each other, than they entertained against their common enemy, the Roman Catholics; in proportion as their systems were more a-kin, and as their mutual animosities had been excited by more recent hostilities. As the church of England had been so lately overturned by the dissenters, it was natural to look for similar attempts from the same quarter, and to guard against them with the utmost anxiety. Unhappily, the means adopted for this purpose, were equally illiberal and imprudent. By requiring a strict uniformity in matters of religion, and by inflicting severe penalties against all non-conformists, it was proposed

to defend the church from the attacks of the sectaries, and to secure her establishment from the hazard of religious innovation. To say nothing of the tyranny of domineering over the rights of conscience, by compelling mankind to embrace, or profess opinions which their understandings have rejected; the experience of all ages has demonstrated that persecution, instead of exterminating, is the most effectual instrument for propagating systems of religion; and that the courage and resolution almost universally displayed by those who are martyrs to their faith, enflames the enthusiastic ardour of their adherents, and excites a general admiration, which becomes the natural source of reputation and proselytism. By a statute, it was declared unlawful for more than five persons, beside those of the same family, to assemble for any species of worship different from that established by law; and every transgressor was, for the first offence, subjected to the payment of five pounds, or three months imprisonment; for the second, to the payment of ten pounds, or six months imprisonment; and

for the third, to the payment of an hundred pounds, or transportation for seven years. Not content with these immoderate severities, the church procured a prohibition against every dissenting teacher from coming within five miles of any corporation, or of any place where he had formerly preached; and this under the penalty of fifty pounds, and six months imprisonment*.

Episcopal church government was introduced also into Scotland; and, being known in that country to be extremely adverse to the inclination of a great part of the inhabitants, was enforced by regulations yet more severe and oppressive. Meetings of the sectaries for public worship, or, as they were called, *conventicles*, were prohibited, under similar penalties as in England; but those who frequented *field conventicles*, were punished with death and confiscation of goods; a large pecuniary reward was offered to any who should apprehend those offenders; and high penalties were inflicted upon such as, being

* Hume's Hist. of England.

called upon oath, refused to give information against them. A military force was employed to kill or disperse the people discovered in those illegal assemblies; and the execution of these barbarous measures was entrusted by the administration to men of unfeeling and brutal tempers, who, endeavouring to recommend themselves by their activity, were guilty of the most horrible enormities*. Even those who absented themselves from church, were, upon the mere report of the clergy, and without any trial, subjected to arbitrary fines; the payment of which was enforced by quartering soldiers upon the supposed delinquents†.

The oppressive treatment of the Presbyrians, which, in consequence of these laws, was continued in Scotland for a long period, has not been sufficiently held up to the public by historians of credit, nor marked with that indignation and abhorrence which it ought to inspire. The sufferers, indeed, were

* Hume's Hist. of England.

† Hume.

a set of poor fanatics, whose tenets and manners have become, in this age, the objects of ridicule: but this consideration will, surely, afford no apology for such acts of cruelty and injustice. Charles appears to have conceived a peculiar dislike to the Scottish covenanters, by whom he had been much harrassed and disgusted when under the necessity, in Scotland, of hearing their long prayers and sermons, whose enthusiastic spirit had involved his father in those difficulties which gave rise to the civil war, and whose treachery had finally delivered that unfortunate monarch into the hands of his enemies.

But though the king had, probably, little fellow-feeling with that obnoxious class of Presbyterians, he was desirous of alleviating the hardships to which the unreasonable jealousy of the church had subjected the Catholics, as well as the other sects of non-conformits; and he seems to have been pleased with an opportunity, upon plausible pretences, of granting such relief by means of the *dispensing power* of the crown. It soon became evident, that this monarch entertained the

same notions of the English government which had been inculcated by his father and grandfather; and though cautious, at first, of exciting any disgust in the nation, he was emboldened by successful experiments, and ventured more and more to shake off those restraints which had been imposed upon him by his fears. The convention which restored the monarchy, and was afterwards turned into a parliament, had contained a great proportion of Presbyterians, and of such as entertained very limited ideas of monarchy. It was, therefore, dissolved in a few months after the new settlement had been effected; and gave place to a new parliament, which, agreeably to the prevailing spirit of the times, exhibited opinions and sentiments, both in church and state, more conformable to those of the king.

In the year 1664, the *triennial act*, which had passed in the reign of Charles I. and which had effectually provided that there should be no greater interval than three years between one meeting of parliament and another, was repealed; and the regular

calling of those assemblies was again trusted to the discretion, or rather to the occasional necessities of the king. This parliament was continued for about eighteen years; and, during a considerable part of that long period, shewed a pretty strong and uniform disposition to humour the inclinations of the sovereign; but it seemed to imbibe a different spirit, in proportion as the terror occasioned by the late civil war had abated, and as the arbitrary maxims of the crown were more clearly discovered.

So early as the year 1662, Charles declared his intention of dispensing with the penalties contained in the *act of uniformity*; at the same time that he requested the concurrence of parliament for enabling him, with more universal satisfaction, to exercise a power which he conceived to be inherent in the prerogative*. But this purpose, however cautiously expressed, and artfully recommended, was far from being agreeable to the nation. It was touching an old string which had formerly sounded an alarm to the people, and

* Hume.

reviving those apprehensions of popery and arbitrary power, which had given rise to the civil war. It produced, therefore, a remonstrance from the two houses of parliament; and was, for the present, laid aside.

In the year 1670, Charles, with concurrence of his brother, concluded a treaty with France, by which Lewis XIV. undertook to assist the King of England in establishing popery and absolute monarchy; and, for that purpose, to pay him a yearly pension of 200,000l. and to supply him with an army of 6000 men *. This scandalous transaction was kept, as we may easily believe, a profound secret from all but a few persons, whose religion and political profligacy disposed them to promote its accomplishment. The king, at this time, professed to be his own minister; but in reality, was commonly directed by a secret council, or *cabal*; while the great officers of state, who held the osten-

* See Dalrymple's Appendix to his Memoirs—Hume's Hist. of England.

sible administration, were left without influence or confidence. The nation was in this manner deprived of that security which, by the constitution, they were entitled to expect from the responsibility of those individuals who filled the higher departments of government, and who might with justice, and without endangering the public tranquillity, be called to account for the measures committed to their direction. Even of this cabal, it is said, that none were made acquainted with the French treaty but those who had embraced the popish religion.

Having thus obtained the support of a monarch so powerful, and so warmly interested in the success of his measures, Charles thought himself in a condition to act with more vigour, and ventured, by his own authority, to grant an indulgence to all non-conformists, whether of the protestant or catholic persuasion. He issued, therefore, a proclamation, suspending all the penal laws against those two branches of the sectaries; and allowing to the former in public, to the latter in pri-

vate, the free exercise of their religion *. By this exertion of prerogative, the national suspicion was awakened; the jealousy among different sects of protestants was overwhelmed by the terror of their common adversary; and parliament, which had long connived at the designs of the crown, was roused in defence of its own privileges. The feeble mind of Charles was overcome by the violent opposition of that assembly, together with the clamour excited throughout the nation; and he retracted the measure with much profession of regard for the constitution, and of willingness to remove the grievances of the people †. By this unsteadiness of conduct, he encreased the confidence of his opposers, without removing the suspicions by which they were actuated.

From the animosity, hatred, and mutual jealousy which, during the course of this reign, prevailed among different sects and parties, men were easily disposed to credit the reports

* Hume's Hist. of England.

† Hume.

of plots and conspiracies propagated to the prejudice of one another; and hence encouragement had been given to numerous criminal prosecutions, followed by the condemnation of the supposed offenders upon insufficient evidence. Thus in 1662, six persons of low rank were charged with a design to restore the commonwealth, and, being condemned upon the testimony of two infamous witnesses, four of them were executed. In the following year, a similar charge was brought against no less than twenty-one persons, who, upon the evidence of one pretended accomplice, were all convicted and put to death. Such fictitious conspiracies, the fruit of groundless apprehension and terror, were at first imputed most frequently to the protestant sectaries and friends of republican government; but, when the immediate fear of popery and of arbitrary power had become prevalent, imputations of a similar nature were circulated, and readily believed against the Roman Catholics.

That the king, and his brother the Duke of York, had resolved to subvert the established government, in church and state, and had en-

tered into a treaty with France for this purpose, is now universally admitted. That many Roman Catholics were looking eagerly towards the same object; that they had suggested particular schemes, and held consultations for promoting and accelerating its accomplishment; or that, impatient of delays, they had even expressed, occasionally, their wishes for the king's death, which might raise to the throne his brother, their zealous patron, who now openly professed the Romish religion, is highly probable. From a few scraps of intelligence concerning such vague intentions or expressions, Oates and Bedloe, two profligates, no less ignorant than shameless and unprincipled, with other associates who became willing to participate in the same harvest, appear to have reared the structure of the *Popish Plot;* by which they asserted, that a regular plan was laid, not only for the establishment of popery and despotism, but also for the murder of the king; and that several persons, at different times, had been hired to carry this latter purpose into execution. The accusation was at first

limited to men of obscure and doubtful characters; but afterwards, noblemen professing the popish religion, and even the queen, were involved as accomplices.

Though the story told by these witnesses was, in many respects, full of contradiction and absurdity, though it was varied materially in the course of the different trials, and was not supported by any person of good reputation, there occurred some remarkable incidents, which contributed to bestow upon it, at least in the main articles, an air of credibility.

Godfrey, an active justice of peace, before whom Oates had made oath of the narrative which he afterwards delivered to the privy council, was, in a few days thereafter, found lying dead in a ditch, with his own sword run through his body, but with evident marks of his having been previously strangled. As he had not been robbed of his money, his death was imputed to the resentment of the catholics, or considered as an attempt to intimidate the discoverers of their practices.

When Coleman, secretary to the Duke of York, one of the supposed accomplices in this conspiracy, was apprehended, letters were found in his possession, containing part of a correspondence with Father La Chaise, in the years 1674, 1675, and 1676, which mentioned a design of the Roman Catholics, in conjunction with France, to overturn the established religion in England. It was conjectured that, if the subsequent parts of this correspondence had been found, they would have discovered also the later measures relating to the murder of the king, with which Coleman was charged.

After the popish lords had been imprisoned, one Reading, their agent, or solicitor, was clearly detected in tampering with the witnesses, and endeavouring by an offer of money, to make them soften their evidence. There was no proof that he had any commission for that purpose from his clients; but the transaction could not fail to throw upon them a suspicion of guilt.

These different circumstances were far from being conclusive as to the reality of the plot in question; but, concurring with the panic

which had seized the nation, they created a general belief of its existence. The verdicts of jurymen were found in this, as in other cases, to echo the national prejudice; and many persons apparently innocent, at least of any attempt to murder the king, were condemned and executed. The Viscount of Stafford was, upon the same account, found guilty by a majority of the peers, and suffered a capital punishment.

That the *Popish Plot* was a gross imposture, can hardly, it should seem, at this day, be disputed; but that it was entirely a fabrication of the party in opposition to the court for the purpose of promoting their political interest, as has been alleged by some authors, there is no room to imagine. Had it been invented by a set of artful politicians, it would have exhibited a more plausible appearance, and have been less liable to detection from its numerous inconsistencies. It was the offspring of alarm and credulity, propagated, in all probability, from a small ground-work of truth; and, when it had grown to maturity, employed by an interested policy, as a con-

venient engine for counteracting the pernicious measures of the crown *.

During the ferment which had thus been excited in the minds of the people, it is not surprising that the Roman Catholics had recourse to a similar expedient, and endeavoured by a counter-plot, not only to retaliate the sufferings they had met with, but also to turn the tide in their own favour. This undertaking was conducted by one Dangerfield, a man in low circumstances, and of infamous character, who offered to make discoveries of a conspiracy for new-modelling the government, and for driving the king and the royal family out of the kingdom. He was well received by the Duke of York and the king; but the imposture was quickly detected, and even acknowledged; so as to recoil upon the inventors, and produce consequences directly opposite

* See the State Trials relating to this subject.—Also Burnet's History of his own Time; in which there is an impartial account of the particulars in this remarkable event, with a candid picture of the impression which they made upon the author and some of his friends.

to those which were intended *. This pretended conspiracy was, from the place where Dangerfield's papers were found, called the *Meal Tub Plot.*

The alarm which, from the belief of a popish plot, had thus been excited and spread over the nation, was now pointed more immediately to the prospect, that, upon the demise of Charles, the crown would devolve upon the Duke of York, a professed Roman Catholic, totally under the dominion of the priests of that persuasion, and who, in the present reign, had, according to the general opinion, influenced and directed all the violent measures of the crown. Under such a prince, conducting with his own hands the machine of government, supported and assisted by all the catholic powers of Europe, and believing it highly meritorious to employ either fraud or force to accomplish his purposes, there was reason to apprehend that neither civil nor religious liberty could be maintained. For securing, therefore, the

* Burnet.

most important rights of the community, for guarding the constitution and the protestant religion, it was thought necessary that the ordinary rules of government should, in this emergency, be superseded, and that, by an act of the legislature, the lineal heir should, in such particular circumstances, be excluded from the throne. That the crown of England was commonly transmissible by inheritance, like a private estate, could not be disputed; but that this regulation, intended for the good of the people, by avoiding the inconveniencies of an elective monarchy, might be set aside in extraordinary cases, was equally certain; and, if ever there occurred a case of extreme necessity, demanding imperiously a measure of that sort, the present emergency, in which the nation was threatened with the loss of every thing dear and valuable, was, doubtless, a remarkable instance *.

* See Coleman's papers; from which the designs of the Duke of York, and of the Roman Catholic powers, to establish popery and despotism in England are sufficiently manifest.

A bill for excluding the Duke of York from the succession to the crown was accordingly introduced into the house of commons, and pushed with great violence in three several parliaments. The king, instead of yielding to the desires of the people with that facility which he had shewn on former occasions, remained inflexible in opposing the measure, and at length, when every other expedient had failed, put a stop to it by a dissolution of parliament. The bill, however, was finally permitted to pass through the commons, but was rejected in the house of peers. To explain this, it may be observed, that, beside the general influence of the crown in the upper house, there had occurred a change in the current of political opinions, which had, probably, an effect upon the sentiments of the nobility, and more especially of the bishops. In the course of the investigations concerning the popish plot, the numerous falsehoods and absurdities reported by the witnesses could not fail, by degrees, to shake the credit which had been at first given to their testimony, and even to create in

many a total disbelief of that supposed conspiracy. In proportion as the terror of popery subsided, the jealousy with the church of England had long entertained of the dissenters was revived; and gave rise to an apprehension that the hierarchy would be endangered by such limitations upon the right of the crown. This jealousy the King had the address to promote, by representing the *exclusioners* as a combination of sectaries, who meant now to overturn the government, both in church and state, as they had done in the reign of his father.

The entire defeat of the exclusion bill was followed by the complete triumph of the royalists, who, supported by the zealous friends of the hierarchy, were now become the popular party. The church and the King were now understood to be linked together by the ties of mutual interest; and they went hand in hand, exalting and confirming the powers of each other. In Scotland, great severities were committed against the Presbyterians. In England, the late behaviour of parliament afforded the Monarch a pretence for neglecting to call those assemblies; and his con-

ducting every branch of administration without their concurrence, occasioned less complaint or uneasiness than might have been expected.

To new-model the government of the city of London, Charles issued a writ of *quo warranto*, by which a forfeiture of the corporation upon some frivolous pretence of delinquency, was alleged; and the city, to preserve its privileges, was under the necessity of submitting to such conditions as the King thought proper to impose. By the terror of a similar process, most of the other boroughs in the kingdom were induced to surrender their charters, and to accept of such new constitutions as the court thought proper to grant. The direction and management of those corporations was thus brought entirely into the hands of the crown; and preparation was made for establishing an unlimited authority over the commons, if ever the calling of a future parliament should be found expedient.

While the King was thus advancing with rapid strides in the extension of his prerogative, we may easily conceive the disap-

pointment, indignation, and despair, of those patriots who had struggled to maintain the ancient constitution. That they should complain loudly of these proceedings; that they should vent their discontent and resentment in menacing expressions; and that, as other methods had failed, they should even think of resorting to violent measures in defence of their natural rights, is not surprising. It was likewise to be expected, that government would have a watchful eye over the conduct of these malcontents, and would listen with avidity to every information which might give a handle for bringing them to punishment. In this irritable state of the public mind, what is called the Rye-house Plot was discovered, and became the subject of judicial investigation. It seems now to be understood, that the persons engaged in this conspiracy had formed various plans of insurrection, and had even proposed the killing of the King; but that none of their measures had ever been carried into execution*. Such of them as

* Hume—Burnet—The State Trials.

could be convicted were punished with the utmost rigour. Every one knows that Lord Russel, and the famous Algernon Sidney suffered upon the same account. It seems, however, to be now universally admitted, that the proof brought against them was not legal*. There is no reason to suspect, that they had any accession to the Ryehouse Plot, or that they had ever intended the King's death. Though it is not improbable that they had held discourses concerning insurrections, they do not appear to have taken any specific resolution upon that subject; far less to have been guilty of any overt act of rebellion: but they were the leaders of the party in opposition to the crown; the great patrons and promoters of the exclusion bill; the irreconcileable enemies to the exaltation of the Duke of York, and to those political and religious projects which he was determined to pursue†.

* See Hume.

† See the Trials of Russel and Sidney—Burnet's Hist. of his own Time—Harris's Life of Charles II.—See also, Secret History of Ryehouse Plot. With respect to the narrative of Lord Gray, contained in this publication, it

The public has of late been amused, and several well-meaning persons have been disturbed by the discovery of some particulars, from which it is alleged that both Lord Russel and Mr. Sidney, with other distinguished members of parliament, were engaged by the intrigues of the French court to oppose the English ministry, and that Mr. Sidney received money from Lewis XIV. for the part which he acted on that occasion*.

Though the merits of the great political questions which were agitated at that period, or since, have no dependence upon the degree of integrity or public spirit displayed by the adherents of different parties, it is not only a piece of justice, but a matter of some importance in the political history of England, to vindicate from such disagreeable aspersions those highly celebrated characters, who have

can have little weight, if we consider the bad character of the author, and that it was written under a sentence of condemnation, with a view to justify the illegal measures of the court.

* See the histories of Dalrymple and M'Pherson, with the papers referred to.

hitherto possessed the esteem and admiration of their countrymen.

With respect to their co-operation with the court of France, in opposing the designs of Charles and his ministry, which is all that is alleged against Lord Russel and some others of the party, we must form our opinion from the peculiar circumstances of the times. About the year 1678, when the designs of the English court to establish an absolute government had become very apparent, England, by the marriage of the Prince of Orange to the daughter of the Duke of York, had been driven into a temporary connection with the States of Holland, and, in that view, had raised a considerable army to be employed against France. The interest of the French court, therefore, who dreaded the operations of this hostile armament, coincided, at this time, with the views of the Whig party in England, who, from a jealousy of the crown, were eager that the troops might be speedily disbanded; and the latter could incur no blame in making use of the incidental, and, perhaps, unexpected assistance of the former, for

promoting their great object, the defence of their liberties. It seems to be acknowledged, that by doing so, this party reposed no confidence in the French councils, and followed no other line of conduct than would have been adopted, if no such agreement had taken place. They forfeited no advantage, they sacrificed no duty to their own country, but merely availed themselves of the temporary policy of the French monarch, and, whatever might be his motives, employed him as an instrument to prop that constitution which he had long been endeavouring to undermine.

With respect to the allegation, that Mr. Sidney was a pensioner of France, the proof of this fact depends upon the letters and memorials of Barillon, the French agent, and the accounts laid before his own court, in which he states two several sums of 500l. each, advanced to Mr. Sidney*.

The authenticity of these accounts, examined, it should seem, and transcribed with little precaution, and produced, for the

* See Dalrymple,

first time, at the distance of near one hundred years, has been thought liable to suspicion; more especially when it is considered, that the odium occasioned by the illegal condemnation of Sidney, which fell unavoidably on Charles and the Duke of York, would have been in some measure alleviated by the immediate publication of this mysterious transaction with France. But, even supposing the accounts to be genuine, there may be some reason to doubt how far the representation of this money-jobber, in a matter where his own pecuniary interest, and his reputation and consequence with his constituents, were so nearly concerned, is worthy of credit. Barillon himself acknowledges, that "Sidney always appeared to "him to have the same sentiments, and not "to have changed his maxims*."—"That "he is a man of great views, and very high "designs, which tend to the establishment "of a republic†." That Sidney was known, on that occasion, to be the steady friend of

* Dalrymple's Appendix, p. 262.

† Ibid. p. 287.

those measures which Barillon was employed to promote, is not disputed. How, then, came this French agent to be so lavish of his master's money, as to throw it away upon a person who had already embarked in the same cause, and who, from this bribe, was induced to do nothing which he would not have done without it? There seems to be but one explanation which this will admit of; that, if the money was actually given to this eminent leader; it must have been intended merely to pass through his hands, for gaining those inferior persons, whose assistance, in the present emergency, it might be convenient to purchase. But that either Lord Russel or Mr. Sidney betrayed the interest of their own country to that of France, or deviated in any particular, from their avowed political principles, has never been alleged, nor does there seem to be any colour for supposing it*.

The death of Charles II. which happened in the beginning of the year 1685, prevented his completing that system of absolute go-

* See Lady Russel's Letters.

vernment, in which he had made such considerable progress. Towards the end of his reign he found himself involved in great difficulties from want of money; and is said to have been filled with apprehension, that his late arbitrary measures would be attended with fatal consequences. It is reported that, in a conversation with the duke, he was overheard to say: "Brother, I am too old to go "again to my travels; you may, if you "chuse it." And it was believed, that he had formed a resolution to give up all further contest with his people, to change his counsellors, to call a parliament, and to govern for the future according to the principles of the ancient constitution *.

The character of this prince is too obvious to require any full discussion. He possessed a sociable temper, with such an eminent portion of the talents and accomplishments connected with this disposition, as rarely falls to the lot of a king. Here we must finish his eulogy. In every other view we can discover nothing commendable; and it is

* Burnet.

well if we can apologize for foibles by the mere absence of criminal intention. His open licentiousness and profligacy in the pursuit of his pleasures, not only tended, by example, to corrupt the national manners, but occasioned an extravagance and profusion in his expences, which drove him to unwarrantable methods of procuring money from his subjects. He had little ambition to render himself absolute. He had no attachment to any plan of despotic government. The divine indefeasible right of kings was a doctrine to which he was willing to sacrifice neither his ease nor his amusement. But, on the other hand, he was totally destitute of that public spirit which excites an active and superior mind to admire, and to promote, at the expence of his own safety or interest, the nice adjustment of parts in the great machine of government. He was no less negligent of the national honour and dignity, than indifferent about his own. His extreme indolence, and aversion to business, led him to devolve the weight of public affairs upon others, and particularly upon the Duke of York, who gained an absolute ascendant

over him, and pursued a regular system of tyranny. Upon the whole, when we consider how far the the misconduct of this careless monarch was imputable to his ministers, we shall, perhaps, be disposed to admit that, with all his infirmities and vices, he had less personal demerit than any other king of the Stuart family.

The accession of James II. afforded a complete justification of those who had contended, that his exclusion from the throne was necessary for securing the liberties of the people. No sooner did he assume the reins of government, than his fixed resolution to overturn the constitution, both in church and state, became perfectly evident. It was happy for the rights of mankind, that he was actuated no less by the principle of superstition than of civil tyranny; as the former contributed much more powerfully than the latter, to alarm the apprehensions, and to rouse the spirit of the nation. It was yet more fortunate that he proved to be a prince of narrow capacity, of unpo-

pular and forbidding manners, blinded and misled by his prejudices, and though, to the last degree, obstinate and inflexible, totally destitute of steadiness and resolution.

One of the first acts of the administration of James, after declaring in the privy council his determined purpose to maintain the rights and liberties of the nation, was to issue a proclamation, ordering that the customs and excise should be paid as in the preceding reign. By this arbitrary measure he assumed the most important province of the legislature; and though, for saving appearances, an expedient had been suggested, that the order of payment should be suspended until the meeting of parliament, he rejected this proposal, because it might seem to imply that the authority of the national council was requisite for giving validity to this exertion of the prerogative.

From the power over the city of London, and over the other boroughs in the kingdom, which had been acquired in the late reign, James had no reason to fear opposition from parliament, and was, therefore, willing to make an early trial of the disposi-

tions of that assembly. At the first meeting, he demanded, in a high tone of authority, that the revenue which had been enjoyed by his brother should be settled upon him during life; and this demand he accompanied with a plain intimation, that their implicit compliance was the only way to secure their frequent meetings, and to prevent his resorting to other methods for procuring a revenue*. Instead of being alarmed by such a declaration, the two houses appeared to vie with each other in their alacrity and readiness to gratify the monarch.

But, though James had good reason to rely upon the uniform support of parliament, he was not negligent of other precautions for promoting his designs. It is impossible to withhold our indignation when we discover that this king, like his brother, had so far degraded himself and the nation, as to become the abject pensioner of France, and to render the national forces subservient to the ambition of the French monarch,

upon receiving from him a regular subsidy, with a promise of assistance in subverting the English government. Soon after his accession to the throne, we find him apologizing to Barillon, the French ambassador, for summoning a parliament. "You may, "perhaps, be surprised," says he, "but I "hope you will be of my opinion when I "have told you my reasons. I have re- "solved to call a parliament immediately, "and to assemble it in the month of May. "I shall publish, at the same time, that I "am to maintain myself in the enjoyment "of the same revenues the king my brother "had. Without this proclamation for a "parliament, I should hazard too much, "by taking possession directly of the revenue "which was established during the life-time "of my deceased brother. It is a decisive "stroke for me to enter into possession and "enjoyment; for, hereafter, it will be much "more easy for me, either to put off the "assembling of parliament, or to maintain "myself by other means which may appear "more convenient for me*." Upon re-

* Dalrymple's Appendix.

ceiving from Lewis XIV. the sum of 500,000 livres, this magnanimous prince said to Barillon, with tears in his eyes: "It is the "part of the king your master alone, to act "in a manner so noble, and so full of good-"ness to me*." From the subsequent dispatches of this ambassador, it is clearly proved, that James was determined to render himself independent of parliament, and was totally engrossed by those two objects, the establishment of the popish religion, and that of his own absolute power. With these views, he thought it necessary to court the protection of Lewis, from whom he was constantly begging money with unwearied and shameless importunity†. Barillon, in writing to his master, mentions the expressions used by James in a conversation upon that subject: "That he had been brought up in "France, and had eat your majesty's bread; "and that his heart was French‡."

In pursuance of the plan which he had laid, his immediate design was, according

* Dalrymple's Appendix.

† Dalrymple's Appendix, p. 147, &c.

‡ Ibid.

to the same testimony, to make the parliament revoke the *test act* and the *habeas corpus act*; "one of which," as he told Barillon, "was the destruction of the Catholic religion, and the other of the royal authority*."

The precipitate and ill-conducted attempts of the Duke of Monmouth in England, and of the Earl of Argyle in Scotland, which met with little encouragement, and were easily crushed by the king's forces, contributed to render this infatuated monarch more sanguine with respect to the success of his projects, and, by inspiring him with greater confidence, prompted him to act with less moderation and caution. The shocking cruelty exhibited on that occasion by the military, and the gross injustice committed, under the form of law, by the civil courts, which could not have happened without the approbation and countenance of the king, convey a still more unfavourable idea of his disposition as a man, than of his abilities as a politician. Bishop Burnet

* Dalrymple's Appendix.

affirms, that regular accounts of those judicial proceedings were transmitted to James, who was accustomed to repeat the several particulars with marks of triumph and satisfaction. It is certain, that this king mentions, in a letter to the Prince of Orange, the hundreds who had been condemned in what he jocularly distinguishes by the appellation of *Jeffery's campaign*; and that, for his services, this infamous tool was rewarded with a peerage, and with the office of lord high chancellor *.

Both Charles and James had been taught by the example of their father and by their own experience, that without an army it was in vain to think of subjecting the English nation to an absolute government. The king, therefore, after the late insurrections had been suppressed, informed the parliament, that he meant to keep up all the forces which the state of the country had obliged him to levy; and he demanded an additional supply for that purpose. Not satisfied with as large an army in England, in Scotland,

* See Dalrymple's Memoirs.

and in Ireland, as his own revenue was capable of supporting; he entered into a treaty with the French king, who took into his pay three English regiments, and, besides, agreed to furnish James with whatever troops might be necessary in the prosecution of his designs *.

But the grand and favourite object of James, which contributed more than any other to alarm the people, was the dispensing power which he assumed in favour of popery. So far from concealing his intention in this particular, he thought proper, near the beginning of his reign, to make an open avowal of it in parliament; which produced an address from the house of commons, and a motion to the same effect in that of the peers. These measures, being regarded by the king as inconsistent with his dignity, were followed by several prorogations of that assembly, and at length by a dissolution.

In examining the earlier part of our history, I had formerly occasion to consider

* Dalrymple.

the origin of the *dispensing power*; which arose from the interest of the sovereign, as chief magistrate, in the condemnation and punishment of crimes. As the king was the public prosecutor, against whom all transgressions of the law were understood to be chiefly directed, and who, besides, drew the pecuniary emolument from all fines and forfeitures, which were anciently the most common species of punishments, he came by degrees to exercise, not only the privilege of pardoning the offences which were actually committed, but even that of previously excusing individuals from such penalties as might be incurred by a future misdemeanor. It is commonly said, that this power was borrowed by our kings from the practice of the Roman Pontiff, who claimed the right of granting indulgences for every sort of religious transgression; but in reality, a privilege of this nature seems to have resulted from the situation of the chief civil, as well as of the chief ecclesiastical magistrate; though, in Europe, it was for obvious reasons carried to a greater extent by the latter than by the former. In

England, however, the king having upon the reformation, succeeded to the supremacy of the bishop of Rome, he, of course, united in his own person these different sources of power.

As the dispensing power of the crown was originally exerted in extraordinary cases only, it probably was of advantage to the community, by providing relief to such persons as were in danger of suffering oppression from a rigid observance of the common rules of law. But the occasions for soliciting this relief were gradually multiplied; people who found it their interest, as in evading the restrictions upon some branches of trade, were led to purchase dispensations from the crown; and the exercise of this extraordinary privilege degenerated more and more into abuse. It can hardly be doubted, that such dispensations as were granted for money would be confined to individuals, and not extended to classes or general descriptions of people; for the crown, we may suppose, receiving a profit from this branch of the prerogative, would seldom bestow an indulgence upon any but

those who had paid for it. But even in this limited shape, the *dispensing power*, which might lead to a shameful traffic upon the part of administration, and interrupt the due execution of the most salutary laws, was regarded as incompatible with the principles of the English constitution, and was reprobated in direct terms by the legislature. In the reign of Richard II. there was passed an act of parliament permitting the king, in particular cases, and for a limited time, to dispense with the *statute of provisors*, but declaring such dispensations, in all other cases, to be illegal and unwarrantable. It must be acknowledged, however, that even after this act the dispensing power was not abandoned; and that lawyers, under the influence of the crown, were sufficiently ready in their judicial capacity, to support all such exertions of the prerogative.

The differences between the two great religious parties which took place at the reformation, afforded a new inducement for this extraordinary interposition of the crown, and in a different form from what had

hitherto been thought of. In particular, the princes of the house of Stuart, from their favour to the Roman Catholics, were disposed to free them from the penalties to which, by various statutes, they had been subjected; and to do this effectually, it was necessary that the dispensations should be granted not to single individuals; but, at one and the same time, to all persons of that persuasion; that is, to all those who fell under the penalties imposed by the statutes in question. When the dispensing power of the crown was exhibited in this new and more extended form, it must have been universally regarded as a repeal of the acts of parliament, and as a direct assumption of legislative authority.

In the petition of right, the dispensing power is expressly enumerated among those remarkable grievances, of which redress was claimed from Charles I. and which, on that occasion, were declared to be violations of the English constitution. As the petition of right had passed into a law before the commencement of the civil war, and had never

been repealed, it continued in force during the reigns of Charles II. and of his brother.

In these circumstances, we cannot wonder that the revival of the dispensing power by James, a bigotted papist, with the avowed purpose of admitting the Roman Catholics to all offices, both civil and military, should be regarded as an unequivocal declaration of his firm resolution to subvert the religion and liberties of the nation.

As in the late reign, the exclusion bill was defeated by exciting the jealousy of the church against the puritans, an attempt was now made to unite the Roman Catholics in one common cause with the Protestant nonconformists, by granting to both of them the same relief from the hardships under which they laboured. The artifice had in the beginning some degree of success; but was in a short time detected by the dissenters, who had too much penetration and foresight, to sacrifice their ultimate safety to a mere temporary advantage.

To reconcile the nation to the doctrine of the *dispensing power*, a judicial determination was thought necessary, but could not

be procured without displacing several of the judges, and appointing others over whom the king had more influence. This produced a mock-trial, the issue of which might easily be foreseen; but so far from removing objections, it gave rise to new apprehension and disgust, by shewing, in strong colours, the inclination, as well as the ability of the crown, to poison the fountains of justice.

For this exertion of the prerogative, James alleged the most plausible motive—that of securing liberty of conscience, and preventing any person from suffering hardships on account of his religious principles. This was the reason which he gave to the prince of Orange; at the very time that, with unparalleled effrontery, he was dispatching an ambassador to Lewis XIV. expressing his approbation of the barbarity inflicted on the Protestants by the revocation of the edict of Nantes. By this dissimulation of James, no person could be deceived; for that he was the real author of all the persecution committed against the Presbyterians in Scotland was universally known.

But that none might mistake his meaning, he took care that it should be illustrated by his immediate conduct. The single purpose for which he dispensed with the *test*, and with the penal laws against non-conformists and recusants, was evidently the introduction of Roman Catholics into all offices of trust. To accomplish this end he was indefatigable, and had, in a short time, made far greater advances than could have been expected. Those who had no religion of their own were easily persuaded to embrace that of his majesty; while many, whose consciences did not permit them to take an active share in the present measures, were unwilling, by their opposition, to incur his resentment, and endeavoured, by keeping themselves out of public view, to avoid the impending storm.

In Ireland, the Protestants were disarmed; the army was new modelled; and a multitude, both of private soldiers and officers of that persuasion were dismissed. The public administration, as well as the distribution of justice, was placed in the hands of Roman Catholics. A plan was formed of

revoking what was called the *act of settlement*, by which, at the restoration of the late king, the Protestants, in that country, had been secured in the possession of certain estates; and as for this purpose it was necessary to summon the Irish parliament, similar expedients to those which had formerly taken place in England, for securing elections in favour of the crown, were upon this occasion adopted. The charters of Dublin, and of other boroughs were annulled; and those communities, by a new set of regulations, were brought entirely under the management of Roman Catholics*.

The government of Scotland was committed to men of the same principles. In England, the king was not contented with pushing the Catholics into offices in the army, and in the civil department; he had even formed the resolution of introducing them into the church and the universities. The violence with which he endeavoured to force a popish president upon the fellows of Magdalen College, Oxford, the public conse-

* Hume. Rapin.

cration of four bishops in the King's chapel, with authority to exercise episcopal functions in different districts; the royal permission which was given them to print and circulate their pastoral letters to the Roman Catholics of England; the sending an ambassador to Rome, to acknowledge the authority of the Pope, and to make preparations for reconciling the kingdom to the holy see; these events which followed one another in rapid succession, plainly demonstrated that James was not satisfied with giving liberty of conscience to the professors of the Romish religion, but that he meant to invest them with a legal jurisdiction. The church of England, who from opposition to the sectaries, had supported the crown in the late usurpations of prerogative, was now roused by the dangers which threatened her establishment: and those pulpits which formerly resounded with the doctrines of passive obedience, were employed in exciting the people to the defence of their religious and civil rights*.

* See Dalrymple. Appendix.

Among those who uttered inflammatory discourses against the measures of the court, Dr. Sharpe, a clergyman of London, distinguished himself by the severity of his reflections upon the late proselytes to popery. The king enraged at this boldness, gave orders to the bishop of London, that Sharpe should be immediately suspended from his clerical functions; but that prelate, who seems to have entertained higher notions of liberty than most of his brethren, excused himself from proceeding in that summary manner, which he alleged was inconsistent with the forms of church discipline. James was determined, not only to prevent Sharpe from escaping, but even to punish this disobedience of the bishop. With this view, and for procuring an absolute authority over the conduct of churchmen, he ventured to revive the court of high-commission, which, in the reign of Charles I. had been abolished by the legislature, with an express prohibition, that this or any similar tribunal should ever be erected. Upon this new ecclesiastical commission, the king, in open defiance of the statute, bestowed the same

inquisitorial powers which that court had formerly possessed; and here he found no difficulty in suspending both the delinquents*.

Armed with the powers of this tyrannical jurisdiction, James was determined, not only to overturn the church of England, but to render her the instrument of her own destruction. He now issued a new *proclamation*, suspending all the penal laws against nonconformists, accompanied with orders that it should be read by the clergy in all their churches. The primate, and six of the bishops, who, God knows, were not guilty of carrying their principles of resistance to any extravagant pitch, ventured, in the most humble and private manner, to petition the king, that he would excuse them from reading this proclamation. This was followed by a resolution of the king, which nothing but an infatuation, without example, could have dictated, to prosecute those prelates for a *seditious libel*. Had this measure been successful, the fate of English liberty would

Hume. Rapin.

have been decided. It was vain to seek relief from oppression, if even to complain of hardships, and to petition for redress, though in terms the most respectful and submissive was to be regarded as an atrocious crime. This trial, the deep concern about the issue of which appeared among all ranks, the final acquittal of the prisoners in opposition to the utmost exertions of the crown, and the violent demonstrations of joy and triumph which followed that event, afforded a decisive proof of the national spirit, and served as a watch-word to communicate that indignation and terror which filled the breasts of the people*.

The situation and character of the prince of Orange made the nation look up to him as the person whom heaven had pointed out for their deliverer. Applications accordingly were made to him from every description of Protestants, containing a warm and pressing solicitation, to assist with an armed force, in the re-establishment of our religion and liberties; an enterprise which was doubtless flattering

* Dalrymple. State Trials.

to his ambition; while it coincided with those patriotic views which he had uniformly discovered, and which had produced the noblest exertions in behalf of the independence of his own country, and of all Europe.

When James had received information concerning the invasion intended by that prince, he was thrown into the utmost consternation; and endeavoured to avert the resentment of his subjects by pretending to relinquish the most unpopular of his measures. But the accident of a storm which dispersed the prince's fleet, and was believed to have defeated the whole undertaking, destroyed at once this temporising system of concession, and exposed the insincerity of his repentance*. A variety of circumstances now co-operated in producing a revolution of greater importance, and with less hurt or inconvenience to the nation, than perhaps any other that occurs in the history of the world. It is observable, that the standing army, overlooking the ordinary punctilios and objects of their profession, deserted the

* Hume. Rapin.

sovereign when he became the declared enemy of the constitution. The pusillanimity of James, in forsaking his friends, and in quitting the kingdom, gave rise to an easy settlement where much difficulty was apprehended. He had the weakness to imagine that his throwing the great seal into the river would create some embarrassment to the new administration.

As the character of this prince procured no esteem, his misfortunes appear to have excited little compassion. He possessed no amiable or respectable qualities to compensate or alleviate his great public vices. His ambition was not connected with magnanimity; his obstinacy and zeal were not supported by steadiness and resolution; though, as it frequently happens, they appear to have been deeply tinctured with cruelty. The gravity of his deportment, and his high professions of religion, were disgraced by narrow prejudices, and by a course of dissimulation and falsehood. His fate was not more severe than he deserved; for, certainly, the sovereign of a limited monarchy cannot complain of injustice, when he is expelled from that

kingdom whose government he has attempted to subvert, and deprived of that power which he has grossly and manifestly abused. Impartial justice, perhaps, would determine that he was far from suffering according to his demerits; that he was guilty of crimes, which, in their nature and consequences, infer the highest enormity; and that, instead of forfeiting his crown, he well deserved the highest punishment which the law can inflict.

There have lately been published several extracts from the life of this prince, written by himself, from which it is supposed that the mistakes of former historians may be corrected and much light thrown upon the history of that period. What has already been published is a meagre detail, destitute of such particulars as might enable the reader to form a judgment concerning the credibility of the narration. From the character, besides, and circumstances of the writer, it should seem, that even if the whole work were laid before the public, it would be intitled to little authority. The writers of memoirs concerning their own conduct are, in all

cases, to be perused with caution, and allowances for such embellishment, and such perversion of facts, as may proceed from motives of private interest or vanity. But of all men, James, who appears to have written his life with a view to publication, or at least of its being produced in his own vindication, was under the greatest temptation to exaggerate, or extenuate those particulars which might affect the reputation, either of himself and his friends, or of his numerous enemies. How is it possible to trust the private anecdotes of a writer, who, in a letter to the Prince of Orange, could deny that he had any accession to a treaty with France, after he had been for some months eagerly engaged in promoting it; or who gravely professed to the same person his principles of universal toleration, while he was congratulating Lewis XIV. on the most intolerant act of his reign, and expressing his great satisfaction with the violent measure of that monarch for the extirpation of heresy*; As James must have been sensible that he

* See his Letters. Dalrymple's Appendix.

was hated by a great part of the nation, and that his views and conduct were severely censured, the relation which he gives of his transactions must be considered as, in some measure, the representation of a culprit placed at the bar of the public, which, though affording good evidence against himself, yet when adduced in his own favour, is worthy of belief only according to its internal probability, and to the degree of confirmation which it may receive from collateral evidence.

CHAPTER VII.

Of the Revolution-Settlement; and the Reign of William and Mary.

OF all the great revolutions recorded in the history of ancient or of modern times, that which happened in England, in the year 1688, appears to have been productive of the least disorder, and to have been conducted in a manner the most rational, and consistent with the leading principles of civil society. When a sovereign has violated the fundamental laws of the constitution, and shewn a deliberate purpose of persevering in acts of tyranny and oppression, there cannot be a doubt but that the people are entitled to resist his encroachments, and to adopt such precautions as are found requisite for the preservation of their liberty. To deny this, would be to maintain that government is intended for the benefit of those who govern, not of the whole community; and, that the general happiness of

the human race, ought to be sacrificed to the private interest, or caprice, of a few individuals. It cannot, however, be supposed, that such resistance will ever be effected without some disturbance, and without a deviation from those forms and rules which are observed in the ordinary course of administration. When the machine is out of order, it must be taken to pieces; and in the repairing and cleaning of the wheels and springs, there must be some interruption and derangement of its movements. When a general reformation of government has become indispensible, it must be conducted according to the exigency of times and circumstances; and few situations will occur, in which it is practicable without many temporary inconveniencies, or even without violence and bloodshed. It is the part of prudence and of justice, in those cases, to adopt such measures as are likely to produce the end in view with the least possible hardship; so that, although violent and irregular, they may be justified by the great law of necessity.

In consequence of a very general and pressing invitation from the English nobility and gentry, the prince of Orange, about the end of the year 1688, landed, with an armed force, in England; and immediately published a declaration, that the sole purpose of his undertaking, was to obtain the dismission of Roman Catholics from those offices of trust which they held contrary to law, and the calling of a free parliament for the redress of grievances. Though the nation was in some measure apprised of this event, yet, intimidated by the unusual situation, they remained, for a short time, irresolute and in suspense; but soon after, an universal approbation of the enterprise was manifest from the conduct of the people in all quarters, who resorted to the prince, and formed an association to support his measures. The king found himself deserted by those upon whose fidelity he had most reason to rely; even by his own family, the prince and princess of Denmark, and by a great part of that army which he had provided to enforce his authority.

In this alarming conjuncture, it might have been expected that James, to extricate himself from the difficulties in which he was involved, would have embraced one or other of two different plans. By encountering the present danger with firmness and resolution, by collecting the forces that were still faithful to him, and by endeavouring to scatter dissension among his enemies, who, notwithstanding their union in demanding a free parliament, were far from coinciding in their political opinions, he might perhaps have been successful, in defending his crown, at least, in protracting the war, till he might obtain assistance from France. By conciliatory measures, on the other hand, by giving way to the complaints of the people, by assembling a new parliament, and submitting to certain restraints upon the prerogative, he might have endeavoured to lull the nation in security, trusting to some future opportunity of retracting or evading those concessions. If either of these plans, however liable to censure, had been pursued, it is likely that the consequences to the public would have been fatal. But, happily, James was thrown into such

consternation as to be incapable of persisting in any settled resolution. Yielding to the impressions of fear and despondency, he quitted entirely the field of action, and withdrew, for the present, into a foreign country. By this imprudent step, the remains of his party became quite disheartened, and were no longer in a condition to oppose the new settlement.

The prince of Orange, having thus no enemy to cope with, proceeded to execute the task he had undertaken, by referring to the people themselves, the redress of their own grievances, and by employing the power which he possessed, for no other purpose than that of securing to them the privilege of settling their own government. As, in the absence of the king, the ordinary powers of the constitution could not be exerted, the most rational and proper expedients were adopted to supply the deficiency. The prince invited all those who had been members of any of the three last parliaments, to hold a meeting for the purpose of giving their advice in the present conjuncture. By their direction, he called a convention,

composed of the usual members of the house of peers, and of the representatives of the counties and boroughs elected in the same manner as in a regular parliament. This meeting assembling at a time when the whole nation was in a ferment, and when the people, having arms in their hands, were capable of making an effectual opposition, its determinations, which passed, not only without censure, but with strong marks of public approbation and satisfaction, must be considered as the voice of the community at large, delivered with as much formality, and in a manner as unexceptionable as the nature of things would permit. In this convention the main articles of the revolution-settlement were adjusted; though to remove, as far as possible, every appearance of objection, they were afterwards confirmed by the sanction of a regular parliament.

That the King, who had shewn such a determined resolution to overturn the religion and government of the kingdom, and that his son, then an infant, who, it was foreseen, would be educated in the same principles, and until he should arrive at the age of man-

hood, would be under the direction of his father, and of his father's counsellors; that those two persons, whatever might be the reverence paid to their title, should be excluded from the throne, was, in the present state of the nation, rendered indispensibly necessary. In the convention, however, this point was not settled without much hesitation and controversy. The two great parties who, since the reign of Charles the First, in a great measure divided the kingdom, had shewn themselves almost equally disposed to resist the arbitrary measures of James for introducing the popish religion. But though a great part of the tories had, from the terror of popery, joined in the application to the prince of Orange, that he would assist them with a foreign army, to procure the redress of grievances; no sooner were they delivered from their immediate apprehensions, than they seemed to repent of their boldness, relapsed into their old political principles, and resumed their former doctrines of passive obedience. They at least carried those doctrines so far as to maintain that the people had no right, upon any

abuse of the regal power, or upon any pretence whatever, to punish the sovereign, or deprive him of the sovereignty; and that even supposing the King to have resigned or abandoned his royal dignity, the throne could not upon that account, be rendered vacant, but must immediately be filled by the prince of Wales, to whom, upon the death of his father, the crown must be instantly transferred. According to this view, it was contended, that, in the present emergency, the administration should be committed to a regency; either in the name of James, if he was to be considered merely as absent; or in the name of his son, if the father had actually abandoned the sovereignty.

The whigs, though they entertained more liberal notions of government, were unwilling to fall out with their present confederates, and endeavoured by a temporising system, to avoid unnecessary disputes upon abstract political questions, and to render the new-settlement, as much as possible, unanimous and permanent.

It is a matter of curiosity to observe the public debates on this important occasion;

in which the natural spirit and feelings of men, made up for the narrowness of their philosophical principles; and in which a feigned and ridiculous pretence was employed to justify a measure which they did not scruple to execute. They supposed that, by leaving the kingdom, James had abdicated the government; instead of boldly asserting that, by his gross misbehaviour, he had forfeited his right to the crown. That James made his escape rather than comply with the desires of his people, or assemble a parliament to deliberate upon the redress of grievances, was the real state of the fact.—But that he meant by this to yield up, or relinquish his authority, there certainly was no ground to imagine. His flight was the effect of his obstinacy and his fear; and was calculated to procure the protection of a foreign power, by whose aid he entertained the prospect of being soon re-instated in his dominion. We cannot help pitying the most enlightened friends of liberty, when we see them reduced, on that occasion, to the necessity of softening the retreat of James, and his attempt to overturn the government, by

regarding them as a virtual renunciation of his trust, or voluntary *abdication* of his crown; instead of holding them up in their true colours, of crimes deserving the highest punishment, and for which the welfare of society required, that he should at least be deprived of his office.

In Scotland, where a majority of the people were presbyterians, and felt an utter abhorrence, not only of popery, but of that episcopal hierarchy to which they had been forcibly subjected, and where the reformation, as I formerly took notice, had diffused among all ranks, a more literary and inquiring spirit than was known in England; the convention, which was likewise called by the prince of Orange for the same purpose as in the latter country, discovered, or at least uttered, without any subterfuge, more manly and liberal sentiments. "The estates of the "kingdom found and declared, that James "VII. had invaded the fundamental laws of "this kingdom, and altered it from a legal "and limited monarchy, to an arbitrary "despotic power; and had governed the "same to the subversion of the protestant

" religion, and violation of the laws and " liberties of the nation, inverting all the ends " of government; whereby he had *forfeited* " the crown, and the throne was become " *vacant**."

But though the language employed by the leaders in the English convention, was accommodated to the narrow prejudices of the times, their measures were dictated by sound and liberal policy. Setting aside the king, and the prince of Wales, in consequence of the declaration already made, the right of succession to the crown devolved upon the princess of Orange, the king's eldest daughter, who had been educated in the protestant religion, and was thought to be under no disqualification from holding the reigns of government. There was no intention of converting the constitution into an elective monarchy, or of deviating further from the lineal course of inheritance than the present

* See continuation of Rapin, by Tindal, vol. 16. This declaration was made with only twelve dissentient voices; a great number of the party in opposition having previously retired from the meeting.

exigence required. The same circumstances, however, which demanded the advancement of the princess of Orange to the throne, made it also necessary that the regal authority should be communicated to her husband. It would have been absurd to banish an arbitrary and despotical prince, to break the line of descent, by which the crown was commonly transmitted, and for promoting the great ends of society, to run the hazards always attendant on the correcting of former abuses, without making, at the same time, a suitable provision for maintaining the new settlement. But the state of Britain, and of Europe, rendered this a difficult matter. From the efforts of the popish party at home, from the power of Lewis XIV. and the machinations of the whole Roman Catholic interest abroad; not to mention the prepossessions of the populace in favour of that hereditary succession to the crown which old usage had rendered venerable, there was every reason to fear a second *restoration*, with consequences more fatal than those which had attended the former. Against those impending calamities, nothing less than the

abilities, and the authority of the prince of Orange, the head of the protestant interest in Europe, could be deemed a sufficient guard; and it was happy for the liberties of mankind, that the matrimonial connection of Mary with a person so eminent, and so circumstanced, had, by suggesting his participation of her throne, provided a barrier so natural, and so effectual.

From these considerations, the prince and princess of Orange were declared, by the convention, to be king and queen of England; but the administration of the government was committed solely to the prince*. After determining this great point, the convention, in imitation of the mode of procedure at the restoration, was, by a bill passing through the two houses, and obtaining the royal assent, converted into a parliament; and that assembly proceeded immediately to a redress of grievances.

* Tindal. By a subsequent act in 1690, the crown, failing the king and queen, and their issue, and failing the issue of Ann, and of the king, was settled upon the family of Hanover.—BURNE.

Considering the disputes which, from the accession of the house of Stuart, had been the source of continual disturbance, and the extravagant claims which had been repeatedly advanced by the princes of that family, it was highly proper to lay hold of the present occasion, for ascertaining the boundaries of the prerogative, and for preventing, as much as possible, all future controversy upon the subject. The omission of this necessary and obvious precaution, at the restoration of Charles II. was an unpardonable neglect. The parliament, therefore, after the example of the *petition of right*, which had been intended for a similar purpose in the reign of Charles I. now prepared the famous *bill of rights*; which, in the year 1689, was passed into a law; and by which the constitution, in several important articles, where it had lately been invaded, was expressly declared and established.

Of the violations of the constitution, which had been the subject of complaint, the most flagrant, perhaps, was the power assumed by the crown of dispensing with statutes, and of issuing proclamations in place of laws.

Other encroachments might contribute to impair or disfigure our government; this was calculated to destroy the whole structure, by completely undermining its foundations. Had such a power been admitted, the king would in reality have become a legislator; the authority of parliament would have been annihilated; and the government changed into an absolute monarchy. Though all such exertions of the prerogative had been expressly reprobated and condemned in the *petition of right*, they had not been abandoned by the two succeeding monarchs; but were more especially renewed, and prosecuted with great vehemence by James II. In the *bill of rights*, therefore, it was thought necessary, once more, to mark this procedure with the express condemnation of the legislature; and to declare, "that the pretended power of sus-
"pending laws, or the execution of laws, by
"regal authority, without consent of parlia-
"ment, is illegal."

A similar declaration was made with respect to another grievance; that of levying money by virtue of the prerogative, and without the authority of parliament. That

the national council had the sole right of imposing taxes, was an undoubted principle of the constitution, reaching as far back as the records of parliament. But as the crown, when pressed for money, had invented a variety of shifts for procuring supplies in a clandestine and irregular manner, the legislature again interposed its authority to prohibit, in all cases, those evasive and unwarrantable practices. No part of the constitution had oftener than this attracted the eye of the public, or, by repeated decisions, been rendered more clear and indisputable. No branch of parliamentary authority, we may also observe, tends more effectually to secure the liberties of the nation, by rendering the king dependent upon the liberality of parliament, and laying him under the necessity of calling frequent meetings of the national representatives.

But little advantage could be expected from the meetings of that assembly, unless its members, when called to deliberate on the business of the nation, possessed an unbounded freedom of expressing their sentiments. Parliaments, originally, were composed of a few

great barons, who maintained this freedom by their own opulence and power. Those distinguished personages were often in a condition, singly, to defy their sovereign in the field, and would have laughed at his pretensions to hinder them from speaking their minds in council. But when the splitting of large estates, and the introduction of representatives from counties and boroughs, had extended the right of sitting in parliament to many small proprietors, their authority and weight came to depend more upon their collective, than their separate power; and the greater weakness of individuals obliged them to unite more in a body for the defence of their parliamentary privileges. The increase of their members, as well as the greater extent of their business, introduced, at the same time, the practice of arguing and debating, at more length upon the different subjects before them, and rendered the eloquence, and the popular talents of particular members, an engine of greater importance in the determinations of every meeting. Their speeches, calculated to make a strong impression upon their hearers, became frequently, as we may easily suppose, offensive

to the sovereign, and provoked him, in some cases, to interrupt their proceedings, and even to harass with imprisonment, and criminal prosecution, those individuals who, by their resolute opposition, or intemperance of language, had incurred his resentment.

Such measures were, no doubt, arbitrary and illegal. The English parliament, composed of the immediate vassals of the crown, formed originally the supreme court of justice in the kingdom; and its members could not, on account of any alleged irregularity in delivering their opinions, be prosecuted before an inferior judicatory. If they were guilty of any indecorum in their speeches, or of any misdemeanor in their senatorial capacity, they were liable to the correction and censure of their own tribunal, the members of which had been witnesses of the offence, and were the best judges of its demerit. But the prosecution of the offender before any other court, or magistrate, was reversing the order of judicial establishments, by authorising a subordinate jurisdiction to review the conduct of a superior, and rendering the lower officers

of justice, in some degree, paramount to the highest.

As the members of the ancient parliament, in questions relating to their behaviour in their own court, were not amenable to any other jurisdiction; this privilege, which had been established when that assembly consisted of one house only, was not abolished or altered when it came to be divided into two houses: for though the judicial power was, in general, appropriated to the peers; the case now under consideration was excepted. The commons becoming sharers in the rank and dignity of the national council, were led to assume the same authority with the peers, over the conduct of their own members, to judge of their misbehaviour in the character of national representatives, and to establish the same exemption from every extraneous enquiry or challenge.

It is manifest, at the same time, that an unbounded freedom of debate is necessary for enabling the members of either house to perform their duty. If they have a right to determine any measure, they must, of course,

be entitled to argue and reason upon it, to examine its nature and consequences, and, by placing it in a variety of lights, to prepare and ripen their minds for a proper decision. Unless they are permitted to do this, it surely is impossible for them to exercise, with national benefit, those important powers with which they are intrusted. The super-eminent authority of parliament is intended to controul and limit the executive and judicial powers; to prevent those abuses which may be expected from the ambition of the crown, or from the rapacity and dishonesty of its ministers. But how can we believe, that members of parliament will take effectual measures for this purpose, if they deliver their opinions under the terrors of the rod, and are sensible of being at the mercy of those powerful delinquents whom they ought to censure and expose, or whose illegal proceedings it is their duty to condemn and to restrain?

Towards the latter part of the Tudor line, and after the accession of the house of Stuart, when the circumstances of the nation had instilled a new spirit into the commons, and disposed them to animadvert with greater

freedom and severity upon the measures of the crown, the encroachments of the prerogative upon this parliamentary privilege, by imprisoning members of parliament, and subjecting them to heavy fines in the Star-chamber, were carried to such a height as threatened to destroy the independence of that assembly. This, therefore, was a grievance which, in the *petition of right*, the legislature had endeavoured to redress; and the *bill of rights* contained a declaration, "that the "freedom of speech, and debates, or pro-"ceedings in parliament, ought not to be "impeached, or questioned in any court or "place out of parliament."

Another great object which excited the attention of parliament, in this famous bill, was the power of the king to levy and maintain a mercenary army. In all the feudal governments the king had a right to summon at pleasure his vassals into the field; where they were obliged, for a limited time, to serve him at their own expence. When the stated period of their service, which was generally forty days, had elapsed, they were entitled to demand their dismission; though

they sometimes were induced to remain longer, upon the king promising to bear the charges of this additional attendance. But after mercenary troops had come to be substituted in place of the feudal militia, they were engaged for an indefinite time; and as fighting became their profession, from which they drew a regular subsistence, they were commonly willing to continue it as long as they could find employment. The king, who, upon the immediate pressure of a war, had been obliged to levy these troops, found it commonly expedient, even after the conclusion of a peace, to be prepared for any new enterprise, by retaining a part of them in his pay; and thus, in most of the countries upon the western continent of Europe, standing armies were introduced and increased. In Britain, however, from its insular situation, there was little danger from any foreign invasion, and mercenary and standing armies being less requisite for defence than in other countries, the king had less inducement to be at the expence of maintaining them. Neither James I. nor Charles I.

before the commencement of hostilities with his parliament, had any considerable body of mercenaries. At the conclusion of the civil war, indeed, the ruling party found itself at the head of a large and well-disciplined army; and a great part of these troops were afterwards maintained by Cromwell for the support of his government. The disbanding of Cromwell's army was one of the first acts of the reign of Charles II.; though this monarch, when he avowed the purpose of governing without a parliament, had also recourse to the expedient of providing a military force; which his immediate successor endeavoured with all his might, to increase. But exclusive of those two instances, the English were hitherto unacquainted with mercenary standing armies, and were not accustomed to consider a discretionary power of raising and maintaining a military force, in that shape, as a branch of the prerogative. The few instances, besides, in which the sovereign or chief magistrate, had exercised this power, were such, as clearly to demonstrate its pernicious tendency, and to point out the utility of subjecting in

this particular, the authority of the crown, at least in times of public tranquillity, to the controul of the legislature. With great propriety, therefore, and in perfect conformity to the spirit of the ancient constitution, it was declared in the bill of rights, "that the rais-" ing or keeping a standing army within the "kingdom in time of peace, unless it be with "consent of parliament, is against law."

By another regulation, the maintenance of a military force, whether in peace or war, was rendered entirely dependent upon the authority of parliament.

The successful operations of an army require that all its members should be under the command of a single person, that they should be compelled in the strictest manner to obey his orders, and that they should be subjected one to another in regular subordination. For attaining these ends, it is found necessary, that all disobedience in the troops, and every transgression of military duty, should be punished with greater severity and with more dispatch, than would be expedient in delinquencies committed by the rest of the inhabitants: As the king, the

great feudal superior, was the supreme general of the national forces, he was led, in that capacity, to introduce a military discipline, by inflicting such extraordinary penalties; and as, upon calling out his vassals into the field, with their dependents and followers, he might, at pleasure, convert all the free people of the kingdom into an army, a foundation was laid for the application of what was called *martial law* to all the inhabitants. In early times, this exertion of prerogative was probably little felt, and therefore overlooked; but when it had acquired such magnitude as to become vexatious and oppressive, it excited the attention of the public, and was considered as a grievance. The genius of the English constitution demanded that any deviation from the common rules of punishment should be subjected to the inspection and controul of the legislature; and there could be no good reason, at any time, for extending this peculiar system of penal law further than to the forces actually in the service of government.

Another grievance, connected with the former, arose from the power of the crown

in marching and distributing the armies over the country. As the inhabitants at large were bound to supply the troops, in passing from place to place, with lodgings and with various articles of entertainment; they were apt to be more or less burdened with this duty, according as by their compliance or opposition, they merited the favour or incurred the resentment of the Sovereign. Those who had refused him a loan or a benevolence, were frequently harassed by the quartering of soldiers upon them, until they found it expedient to acquiesce in the demand.

By the petition of right, both these grievances were completely redressed, the exercise of *martial law* by virtue of the prerogative, and the quartering of soldiers on the inhabitants without their consent, having been totally prohibited. But as without some extraordinary powers of this kind, the order and discipline requisite for conducting and regulating a military force can hardly subsist, the king, ever since the revolution, has, by special acts of parliament, been empowered to authorise *courts martial* for punishing mutiny and desertion, and to distribute the troops

among the inn-keepers and victuallers of the kingdom. The powers, however, conferred upon the sovereign by these acts, have always been regarded with a jealous eye, and have therefore been granted only from year to year.

To these articles were subjoined several others, of manifest utility, respecting the illegality of the court of ecclesiastical commission; the right of the people to petition the king, and the free election of their representatives; together with some other immunities and privileges, which were considered as the birth-right of Englishmen, but which, in the late reigns, had been either violated or disputed. Upon the whole, the bill of rights contained no new limitations of the prerogative. It is merely a declaratory statute, exhibiting the judgment of the legislature with regard to some of the principal branches of the English constitution; and it accordingly bears this express clause, "that all and sin-
"gular, the rights and liberties asserted and
"claimed in the declaration, are the true,
"ancient, and indubitable rights and liberties
"of the people of this kingdom."

After the revolution-settlement was compleated, the same spirit which had given rise to that great event was kept alive, and during the reign of William III. became productive of several regulations, tending to improve the police of the kingdom, to secure the proper distribution of justice, to guard against the corruption of ministers, and to restrain the abuses of prerogative.

In the bill of rights there was inserted a general clause; "that, for the redress of griev-"ances, and for the amending, strengthen-"ing, and preserving of the laws, parlia-"ments ought to be held frequently." During the long controversy between the people and the princes of the house of Stuart, the regular meetings of that assembly became the object of national concern; and in the reign of Charles I. it was provided, that the interval between one meeting of parliament and another, should not exceed the period of three years; but no sooner had the frequency of parliamentary assemblies been secured at the revolution, by the impossibility of conducting the machine of government without their concurrence, than

there started up a new ground of suspicion, which began to occupy the public attention. As parliaments were now, of necessity, consulted by the crown in all business of importance, they became less afraid of its encroachments, and consented more freely and readily to its demands. No longer engrossed by the defence of their political rights, it was apprehended that their members would be more attentive to their private interest, would endeavour to render themselves independent of their constituents, or might be improperly influenced by the executive power. Before the revolution, the nation was jealous of the crown only; after it, they became jealous of parliament. They became apprehensive of the long continuance of the same parliament, by which its members might have leisure to form a regular connection with ministry; and were eager to establish the frequency of elections, by which the representatives might be retained under the authority and controul of the electors. This gave rise to the *triennial bill*; by which it was provided that the same parliament should not be continued for more

than three years; a regulation to which, as it contained a new limitation of the prerogative, the king was, not without some hesitation and reluctance, prevailed upon to give the royal assent*.

Among the different subjects of parliamentary enquiry, the disposal of the revenues which fell under the administration of the crown was none of the least important. In early times, when the ordinary expence of government was defrayed out of the private estate of the king, the nation seems to have taken little concern in the administration of the royal demesnes, but to have entrusted the management of them to the prudence and discretion of the person whom they regarded as the proprietor; but, when the advancement of national wealth had increased the expence of administration much beyond what the ancient patrimony of the crown was able to discharge; and when, of course, every new enterprise was unavoidably the occasion of new impositions upon the people, it was considered more and more as the

* See Burnet.

duty of the national representatives to examine the expenditure of public money, and to refuse their consent to taxes, unless they were satisfied, both of the frugality with which the former funds had been managed, and of the expediency and propriety of the purposes for which the new demand was made. This, however, it may easily be conceived, was likely to be the source of endless disputes; it was difficult, in every case, to point out the exact line by which the scrutiny of parliament should be directed, or to determine the degree of latitude which, in this respect, the sovereign ought to enjoy. Though the examination of the public expenditure was highly necessary, it might undoubtedly be pushed to such a degree of minuteness as would retard the movements of government, and be equally inconsistent with the dignity of the crown and with that secrecy in the conduct of national business which is often indispensable. To remove these inconveniences, it was thought proper, that there should be an allowance of a certain sum, for the support of the king's household, and from the private exigencies

of the crown; and that, concerning the disposal of this, no account should, at least in ordinary cases, be required. The remainder of the public revenue, being more immediately regarded as the estate of the nation, was brought under the annual and regular inspection of parliament. This regulation was not a new limitation, but rather an extension of the prerogative; since it restricted to a part of the national funds, that parliamentary enquiry, which might formerly have been extended to the whole. It appeared, at the same time, to steer in a due medium between the interest of both parties, and was calculated to avoid contention, by placing in the crown a reasonable pecuniary trust, while it secured the nation from the effects of gross mismanagement and extravagance. About the end of the reign of James II. the whole public revenue amounted, at an average, to near two millions; and the *civil list*, settled upon William and Mary, including the hereditary rents and duties, still drawn by the crown, was fixed at about 700,000l. a year.

With respect to the internal government of the kingdom, no circumstance appeared more immediately to call for a reformation than the distribution of justice. In all the principal tribunals, the judges had been hitherto appointed by the king during pleasure. In such a situation, chosen from the mercenary profession of the bar, where a servile dependence upon the crown must open the great road to preferment, and being indebted to the sovereign for the continuance of those offices from which they derived their livelihood and rank, it was not to be expected that they should often be willing to distinguish themselves by supporting the rights of the people, in opposition to the encroachments of prerogative. Wherever the king was warmly interested in a cause, or a political job was to be served, they were laid under so great a temptation to shrink from their duty, that they had seldom the resolution to withhold any decision which he wished to procure. This observation may be extended from the days of Tresilian down to those of Scroggs

and Jeffries; and is applicable to the ordinary courts of law, as well as to the star-chamber and high-commission, which were confessedly under the direction of the crown. Witness the opinion of the judges, in the case of ship-money, and in the question concerning the king's dispensing power, in which those grave interpreters of the law were not ashamed to betray their trust, and to become the mean tools of arbitrary power. In the trial of the bishops, indeed, there were found two justices of the king's bench who spoke in favour of the defendants; for which they were immediately deprived of their seats; but this was a question in which the basis of religion, as well as that of the constitution, was now perceived to be at stake; and in which the popular ferment had excited uncommon zeal and spirit.

In the reign of William III. it was enacted, that the judges in the three great courts of common law, should hold their offices during their own life and that of the king; a regulation by which they became nearly as independent as their professional character

and their appointment by the crown will admit.

A provision for liberty of conscience in matters of religion was another object of great importance; which the king, much to his honour, endeavoured, however unsuccessfully, to accomplish.

The long contest between the church and the dissenters, had been productive of narrow prejudices, and of mutual antipathy, inconsistent with that liberality and candour which might have been expected from the rational system of religion professed, at that time, by either of the parties. When roused by the common danger of popery, to which, immediately before the revolution, they were both equally exposed, they had cordially united in defence of the protestant interest; but no sooner had that danger been removed, than their former jealousy recurred, and their mutual dissensions broke out afresh. The apprehension which the church entertained of the dissenters, was increased by the reflection, that the king had been educated in their principles, and regarded them as that part of the nation

which had been the most active in placing him on the throne. But William had too much prudence, and too strong a sense of justice, to make any attempt against the national religion, which had received the sanction of public authority, and was agreeable to the sentiments of a great majority, both in parliament and throughout the nation. In conformity, however, to his enlarged views of religious freedom, he was disposed to remove those hardships to which the protestant sectaries were subjected. His first object was the repeal of the test act, by which the non-conformists were excluded from civil and military offices. Upon the supposition that the dissenters are equally good subjects as those who profess the established religion, it will be difficult to assign a plausible reason for excluding them from the service of their country, or from a share of her public honours and emoluments. The national church has, doubtless, a title to protection from every attack, whether open or concealed, by which her establishment may be endangered; but why should it be feared that the ecclesiastical establish-

ment is in danger from the attacks of dissenters, while these last have no assistance from the magistrate, and are allowed to wield no other weapons but those of argument and persuasion? In gaining proselytes, every advantage is on the side of the church, whose doctrines and forms of worship are confirmed by ancient usage, and whose clergy are maintained at the public expence. Those who are indifferent about religion, or who look upon modes of faith as of little consequence, will generally adhere to that system which is already established, and which costs them nothing. The Roman catholics, however, were, at that time, considered, with reason, as in a different situation from protestant dissenters, having adopted political prejudices which rendered them enemies to the civil government.

The puritans, it is true, had, in the reign of Charles I. overthrown the religious establishment; but this was owing to the injudicious interference of the latter in supporting the arbitrary measures of the monarch; while the former zealously defended the rights of the people. The church having

embarked in the same cause with despotism, she was overwhelmed, and justly shared the same fate with her ally; whence arose the triumph and exaltation of her religious with that of her political enemies.

But however groundless, at this time, the terrors of the high-church party undoubtedly were, they prevailed in parliament; and the measure of repealing the test act was rejected. William afterwards attempted a plan of comprehension; proposing to form, with mutual concessions, a religious establishment, which might include a considerable part at least of the dissenters; but in this he was not more successful. The two parties were too heterogeneous to admit of such a coalition; and, like ingredients of opposite qualities, discovered no less repugnance to a partial, than to a total union. Having failed in these liberal schemes, he suggested a bill of *toleration*, by which the Protestant non-conformists, if not admitted to the same political privileges with their brethren of the church, might yet be exempted from all penalties, and authorized by law in the open profession and exercise of their religion. Even this

indulgence, which was obtained without opposition, marks, at that period, a considerable enlargement of religious opinions; and may be regarded as forming a conspicuous era in the history of ecclesiastical government.

Notwithstanding the invaluable blessings which this prince had procured to the nation, his administration was never very popular, nor free from disturbance. The two great political factions, which, before he mounted the throne, had almost entirely disappeared, were in a little time revived; and by their intrigues, and party views, he was, in some cases, provoked or deceived.

As the principles of the tories had led them early to retard and oppose the revolution-settlement, so their bad humour and disappointment excited them afterwards to practice every expedient for interrupting and preventing that success and prosperity which might otherwise have resulted from it. The situation of William, upon his first advancement to the English throne, must have naturally disposed him to place his chief confidence in the whigs, by whom

his undertaking had been most warmly and heartily promoted. But the subsequent views and measures of this party contributed by degrees to alienate his affections. They betrayed a constant jealousy of the crown. Their parsimony in granting supplies was pushed to an extreme, altogether incompatible with those patriotic, but expensive enterprises, in which he was engaged. Their aversion to a standing army, which was carried so far as to require the dismission of his Dutch guards, the old and favourite companions of all his military operations, appears to have been regarded by him as an indication of personal enmity and distrust. Though this prince discovered an invariable attachment to the form of a limited monarchy, it must not thence be concluded, that he willingly submitted to all such restrictions of the prerogative, and to all such extensions of popular privilege, as were aimed at by many of the whigs. He probably entertained higher notions of the regal authority than were found, even in that age, to prevail among this description of the inhabitants. It is not surprising,

besides, that a monarch, however moderate in his general principles, should, in the ordinary course of business, be sometimes betrayed, like other men, into an impatience of opposition, that he should be ruffled with contradiction, or vent his displeasure against those who had thwarted his measures. The whigs becoming, on this account, obnoxious to the king, the tories endeavoured to conciliate his favour by their apparent assiduity and solicitude to humour his inclinations. Though it is probable that the sagacity of William penetrated the views of this party, he took advantage of their professed intentions, and made use of their assistance in executing that great system of European policy which he had long meditated. He adopted the hazardous plan of balancing the two parties, either by promoting them jointly to offices, or by alternately employing the one and the other. In pursuing this line of conduct, so far from gaining the friendship of either, he incurred the resentment of both. The whigs, overrating their merit in accomplishing the revolution, were highly dissatisfied with the

return made to their services; while the tories considered the favours bestowed upon them as the effects of interested and temporising politics, which afforded no proof of any real confidence or affection; and both parties being thus, by turns, thrown into opposition, were actuated by the animosity and rancour arising from disappointed ambition, sharpened by the acrimony and agitation, proceeding from the heat of controversy and the triumph of their adversaries. In this situation, many individuals of high rank and consequence became desirous of restoring the exiled family; and, even when employed in the service of government, did not scruple to betray the secrets of their master; to correspond with the court of Versailles and that of St. Germains; and to promise their assistance to the late king for the recovery of his crown. What is more surprising, it appears, that some persons of distinction among the whigs were induced to hold a correspondence in the same quarter; but with what views, or from what motives, whether from gross corruption, and the effect of discontent and

disgust, or from an opinion of the instability of the present government, which led them to provide for their own safety in case of a counter-revolution, it is not easy to determine*.

While many of the leading men in the kingdom were engaged in such crooked and infamous transactions, the inferior partizans of the late king were attempting a more expeditious way to his restoration, by the assassination of William; but these detestable

* The evidence upon this point, adduced by Mr. M'Pherson, in his collection of original papers, is not very distinct. He rests, in a great measure, upon the memoirs of James, and the reports of persons whom he employed in the management of his affairs. But this prince, and his agents, were so credulous and sanguine, as to over-rate and magnify every circumstance in their own favour, and to become the dupes of every impostor. According to their accounts, it is a miracle that the government of King William could subsist for a moment, since both whigs and tories were equally zealous in overturning it, and were only vying with one another in the execution of that enterprise. It is the privilege of every unfortunate adventurer, to weary all his hearers with endless proofs that he has met with uncommonly bad usage, and that his undertaking, in the natural course of things, should have been successful.

conspiracies were fortunately disappointed and produced no other consequence than to exhibit fresh instances of the courage and magnanimity so conspicuous in the character of that prince, and to excite in the nation a grateful sense of the dangers which he so cheerfully encountered for the preservation of English liberty.

The extensive enterprises in which the crown was involved immediately after the revolution; the settlement of Britain, the reduction of Ireland, the prosecution of the war with France; all these operations were productive of much greater expence than the nation expected, or than parliament could be persuaded to defray. As ministers, therefore, were unable, by the yearly produce of taxes, to answer the demands of government, they were forced to anticipate the supplies, by borrowing money from individuals. To those creditors they granted securities, both for the interest and capital, on branches of the public revenue, believed to be sufficient, in a few years, to repay the loan, and so clear off the incumbrance. Such were the necessities of the crown, that the national debt, contracted

in this manner, had risen, before the peace of Ryswick, to above twenty millions; a burden which, at that period, appeared so enormous, that it was thought to threaten the nation with immediate bankruptcy, and became a topic of much clamour, and of bitter invective against the government.

Some politicians, by an over-refinement, affected to consider this national debt as an advantage to the crown, by creating in the monied interest a dependence upon government for the security of their funds. And hence it was inferred, that the procuring of such effectual support had been the great object of William in contracting those burdens. But it is not likely that a king, any more than a private man, is ever induced to borrow, from the consideration that his creditor may become his protector; especially when he must expect that his creditor, as the price of his protection, will acquire over him the authority of a master and governor. The practice of contracting national debt arose from the same causes in Britain, and in all the other opulent nations of Europe; from the dissipation and extravagance which are the usual effects of wealth

and luxury; from an increase of activity and ambition, producing enterprises of greater extent than the ordinary revenues of the state are capable of supporting; and, above all, from the facility of borrowing, occasioned by that great circulation of capital which is the natural consequence of extensive trade and manufactures.

When we contemplate, in every point of view, the important revolution accomplished by the prince of Orange, the hazardous nature of the undertaking, the prudence and vigour with which it was conducted, the solid advantages which have resulted from it to Britain, and to all Europe, we must ever look up to our great deliverer with admiration and with gratitude. It may be questioned who, among statesmen and heroes, have displayed the greatest genius and abilities: it is yet more difficult, perhaps, to determine, who has been actuated by the most pure and genuine principles of patriotism: but who is the monarch that has conferred the most extensive benefits upon mankind, will hardly be doubted; while the actions of William III. shall hold a place in the annals of the world. Had it not been

for the active, the persevering, and the single exertions of this prince, it is more than probable, that Britain would have been subjected both to an ecclesiastical and civil tyranny; that Lewis XIV. would have subdued Holland, and the estates in alliance with the Dutch; that the protestant interest would, in a short time, have been annihilated; and that the greater part of Europe would either have been reduced to a vast, unwieldy despotism, like that of ancient Rome, or parceled out among a few absolute sovereigns, who, in the general struggle for dominion, had been able to retain their independence. But the vigorous defence of the United Provinces, against the attacks of the French king, gave time for opening the eyes of many European princes. The revolution in England broke off at once the connection of the kingdom with France, and with the church of Rome; it not only secured her a free government at home, but united her under the same head with the other great maritime state which had arisen in Europe, and this powerful combination was followed by such alliances, and by such military operations as were sufficient to restore the balance of power, and to frustrate those ambitious de-

signs that were so hostile to the peace and tranquillity of Europe. In fine, the revolution in England kept alive that spark which kindled the flame of liberty in other countries, and is now likely to glide insensibly over the whole habitable globe.

The character of William has been scrutinized and censured with a severity and malignity, corresponding to the rage and disappointment of that royal family, and of their numerous and zealous adherents, whose power and projects he overthrew. From the circumstances however which his enemies have laid hold of, as a handle for detraction, we may discover the worst lights in which his conduct was capable of being represented, and thus obtain the most satisfactory evidence of his real integrity and merit.

He obtained the crown of England by dethroning the person who was at the same time his uncle and his father-in-law. Those who form their ideas from the habits acquired in the inferior walks of society are apt to conceive that the domestic affections should have the same influence in the government of kingdoms as in the scenes of private life; not considering

that the situation of princes renders them frequently strangers to their own kindred, and that the cares of the public, in which they are necessarily involved, not only exclude them from those friendships, and from that mutual intercourse of good offices which take place among the rest of mankind, but suggest the consideration of peculiar duties which their station has rendered of superior obligation. How seldom are kings prevented from going to war with each other because they happen to be relations? How absurd would it be to suppose that the public interest should yield to so insignificant a motive?

But if ever an individual, in fulfilling his duty to the public, was called upon to overlook family connections, the prince of Orange was undoubtedly the man. Without dethroning his kinsman it was impossible to preserve the English constitution, or even, perhaps, to attain another object which had long engrossed his mind, the independence and security of his native country. Nor had he ever received such treatment from James as laid claim to any peculiar gratitude or affection. In the behaviour of that

monarch he experienced nothing but enmity, dissimulation, and falsehood.

Had William lived in the age of Roman virtue, the sacrifice of a domestic relation, in the cause of public liberty, would have been accounted highly meritorious; or if any part of his conduct had been thought blameable, it would have been the sparing of the tyrant's life, by which the country was exposed to future danger. But the manners of the age had introduced milder sentiments of patriotism; and in surveying this great revolution, we cannot overlook one pleasing circumstance, that it was hardly stained with a drop of blood. Though the arbitrary and despotical measures of James had rendered him unworthy of the crown, and drawn upon him the indignation of the people, he was treated with uncommon lenity, and in the very critical period when the popular ferment was raised to the highest pitch, instead of suffering an exemplary punishment, he was merely deprived of that sovereignty which he had shewn a fixed resolution to abuse. It appears, at the same time, that William was not destitute of regard to the family of this unfortunate

kinsman. There is now sufficient evidence that he was willing to pay the dowry which had been stipulated to James's queen; and that he even offered to promote the succession of the son, the late prince of Wales, to the throne of England, if proper precautions were taken to secure his education in the protestant religion; a condition which the infatuated bigotry of the father prompted him to reject *.

It has been said, that, in accomplishing the revolution, William was actuated by his ambition, not by motives of public spirit. But such an aspersion, it is evident, may be thrown indiscriminately upon every person who pursues a line of conduct in which his interest happens to coincide with his duty. It would be happy for the world if the ambition of great men was always directed to such actions as tend to the good of society; if the love of power was uniformly exerted in rescuing the human race from slavery and oppression. There can be little doubt, that the prince of Orange, in marrying the eldest daughter of James, who at that time had no sons, considered the eventual succession to the crown as an advantage which might result from

* Dalrymple's Memoirs, Vol. II.

the connexion. But that he was guilty of any improper step to hasten or secure the acquisition of this object, cannot with justice be asserted. In the violent political disputes which clouded the reign of his two uncles, he appears to have given some countenance to the party in opposition to the court; but this party was composed of the friends of liberty and the protestant religion, which those two princes, in conjunction with France, had formed a league to destroy. Upon the same account, he favoured the enterprise of the duke of Monmouth; though he knew that this nobleman aspired to the throne, and must therefore have regarded him in the light of a rival.

A late author seems to believe that William artfully suggested to his father-in-law, those very measures which he afterwards took hold of to ruin that unfortunate monarch. This is a curious hypothesis, requiring no ordinary portion of credulity. One sovereign counsels the other to act the part of a tyrant, that this false friend and adviser may have the benefit of deposing him; and the simple king, falling into the snare, is persuaded to forfeit his dominions by a person in whom, on no other occasion, he had ever placed any confidence.

To depreciate the military talents of this prince, it has been observed, that in most of his battles he was defeated. But we must remember that he had numberless difficulties to surmount; that originally, with a handful of troops, he was obliged to cope with the powerful and well-disciplined armies of France, and with the able commanders, who had been trained up in the most active and flourishing period of that monarchy; that, after he became king of England, he was continually disturbed by the treachery and the factious disputes of the leaders in parliament, and was neither supplied with money nor with men in proportion to the magnitude of his undertakings. When proper allowance is made for the circumstances in which he was placed, instead of reflecting upon his bad success, we cannot help wondering that he was able to maintain his ground; and we must admire the fertility of his resources by which, like the great admiral Coligni, he rose more formidable upon every defeat, and appeared to derive from it all the advantages of a victory.

His temper and disposition have been represented as cold, haughty, and morose; rendering him disagreeable in all the relations of pri-

vate life; and proving an inseparable bar to his popularity with the English nation. In reality, whether from natural constitution, or from his being constantly engaged in serious and important pursuits, he was grave and stately in his deportment, reserved and distant in his ordinary demeanour. But that he was incapable of friendship or affection for those who had obtained his good opinion and favour, there is no ground to suppose. Nor was the severity of his adust complexion without intervals of gaiety and cheerfulness. According to the report of those who knew him intimately, he was fond of relaxing from the cares of government, and of dissipating the solitary gloom of a throne by the pleasures of the table, and the free conversation of a few select friends; in whose company, it is said, he was neither destitute of good humour nor of a turn for pleasantry. There can be no doubt, however, that he was more distinguished by a solid understanding and useful talents than by slight and superficial accomplishments. Plain and simple in his manners, he neither studied to disguise his feelings, nor to practise upon the humours and follies of others; but, though an enemy to dissimulation and falsehood, yet, wherever

secrecy was necessary, he was perfectly impenetrable. His success in the cabinet was greater than in the field; because he there depended more upon himself, and was in great measure his own agent in those public negociations which he happily concluded. Through the whole of his life he seems to have adhered invariably to those political principles which, in his early years, he had imbibed; and if he was ambitious, his ambition was entirely subordinate to his public views. To preserve the independence of Holland, and to maintain the balance of Europe, were the great ends which he incessantly pursued, and to which the prosperity of Britain was, perhaps, regarded as a secondary object. It was, in all probability, the suspicion of this, more than his unpopular and forbidding manners, that prevented his gaining the affections of the English. But in the mind of William, and in truth, the interest of the Dutch commonwealth, and that of the British dominions, were inseparable; and both were equally promoted, not only by his military exertions before the peace of Ryswick, but also, in the subsequent parts of his reign, by those great alliances and preparations which

led the way to the splendid and successful war of queen Anne, and tended so effectually to diminish the dangerous power of Lewis XIV.

In the administration of Britain, the conduct of this prince was no less uniform and consistent with his principles. Though a friend to religious toleration, he supported the church of England as by law established; and though he never disputed those limitations of the prerogative which were agreeable to the old constitution, as explained by the revolution-settlement, he was averse from all political innovation, and tenacious of what he accounted the ancient rights of the crown.

With respect to the nature of the interesting transaction which produced the accession of William III. though all parties are now disposed to speak of it in the language of approbation, politicians of a certain description have been much disposed to magnify the changes introduced by it. They suppose that the ancient government of England was arbitrary and despotical, and that, from the period of the revolution-settlement, we are to date the first establishment of our limited monarchy.

Were it not for the known influence of

party prejudices and passions, it might seem surprising that any one acquainted with the history of the country, should entertain such an opinion, or should expect, by any degree of dexterity or abilities to render it plausible to ordinary readers. The great outlines of the English constitution may be traced back to very remote antiquity. To ascend no higher than the age immediately succeeding the great charters, we find the settled form of a parliament, consisting of a king and two houses; an exclusive power in that assembly to make laws, to impose taxes, and to regulate the order of succession to the crown; an exclusive authority in the house of commons to bring in money bills, and in that of the peers to distribute justice in the last resort. We find also the regular establishment of the chief courts of justice which exist at present; the institution of trials by jury, both in civil and criminal matters; and a specific regulation to prevent the sovereign from the arbitrary imprisonment of individuals. These important branches of the constitution had received the sanction of ancient usage, confirmed by a variety of statutes and public declarations; they

had, it is true, been frequently violated by the sovereign, who endeavoured to elude their force by various expedients and evasive practices; but whenever those violations had been so often repeated as to attract the attention of the public, they became the subject of national complaint, and were restrained or punished by new interpositions of the legislature. As new instruments were employed to attack the constitution, a new shield became necessary, and was held out in its defence.

The interposition of greatest importance at the revolution, consisted in deposing the sovereign for his crimes, and in setting aside the lineal heir from considerations of expediency. Though such interpositions of the two houses of parliament were not without example in the English history, they had not occurred in a civilized age; for the trial and execution of Charles I. had been effected without the free determination of the one house, and without any concurrence of the other. The consequence of this deposition was to place the new king in circumstances which prevented him ever after from calling in question those powers of parliament which

he had solemnly recognized. Having received the crown by a parliamentary title, he had no pretence to claim it by hereditary right, or to refuse the performance of those conditions under which it was bestowed upon him. Instead of the vicegerent of heaven, assuming an authority independent of any human controul, he was reduced to be the chief magistrate of a free people, appointed by the community, and possessed of those powers only with which, for the common good, he had been expressly intrusted. The forfeiture, at the same time, which had been incurred by the late king, whatever softening appellation was given to it, proved a formidable precedent to all future sovereigns, proclaiming that they were amenable to public justice, and could not expect, with impunity, to trample upon the laws of their country.

END OF VOL. III.

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